UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/41
5 March 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 20

OPEN ENDED WORKING GROUP ON THE RIGHTS OF PERSONS BELONGING TO NATIONAL, ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

REPORT OF THE WORKING GROUP ON THE RIGHTS OF PERSONS BELONGING TO NATIONAL, ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

Chairman-Rapporteur: Ms. Zagorka Ilic (Yugoslavia)

I. INTRODUCTION

A. Establishment of the Working Group

1. By resolution 1989/61 the Commission on Human Rights decided to establish at its forty-sixth session an open-ended Working Group to continue consideration of the revised draft declaration proposed by Yugoslavia (E/CN.4/Sub.2/L.734), taking into account all relevant documents.

2. The Working Group held six meetings on 12, 15, 16, 20 and 22 February and on 5 March 1990.

3. At its 1st meeting on 12 February, the Working Group unanimously elected Ms. Zagorka Ilic (Yugoslavia) as its Chairman-Rapporteur.

B. Documentation

4. The Working Group had before it the following documents:

(a) Provisional agenda (E/CN.4/1990/WG.5/L.1);

(b) Report of the open-ended Working Group set up by the Commission on Human Rights at its forty-fifth session to consider the drafting of a declaration on the rights of persons belonging to national, ethnic, religious or linguistic minorities, containing in Annex I the text of that part of the draft declaration on which preliminary agreement had been reached at that and previous sessions, in Annex II a compilation of the proposals awaiting consideration by the Working Group, and in Annex III draft proposals for article 5 (E/CN.4/1989/38);

(c) Working paper on Possible Ways and Means to Facilitate the Peaceful and Constructive Resolution of Situations Involving Racial, National, Religious and Linguistic Minorities by Ms. Claire Palley (E/CN.4/Sub.2/1989/43); and

(d) Written proposal on draft article 8 by the Four Directions Council (E/CN.4/1990/WG.5/CRP.1).

5. In addition the Working Group had before it a number of written proposals for the various draft articles as put together by informal drafting groups. These texts are reproduced in the report.

II. DRAFT ARTICLES DISCUSSED

A. First reading of draft article 5

6. The Working Group used as its basis for discussion the texts of draft article 5 as presented at the latest session of the Working Group. These texts included the proposals by: (i) the informal drafting group covering paragraphs 1-4 of article 5; (ii) the Ukrainian Soviet Socialist Republic for a new paragraph 4 of article 5; and (iii) the Four Directions Council covering paragraphs 1-4. These texts appeared in E/CN.4/1989/38, Annex III.

Paragraph 1

7. Following the initial discussion of paragraph 1 at its first meeting, an alternative text for this paragraph, prepared by an informal drafting group, was presented to the Working Group in document E/CN.4/1990/WG.5/CRP.2. The text read as follows:

> "Nothing in this Declaration shall prevent the fulfilment of international obligations of States in relation to [persons belonging to] minorities. In particular, States shall fulfil in good faith the obligations and commitments they have assumed under international treaties and agreements in which they are parties."

8. A few delegations suggested that this proposal might meet the concerns expressed by keeping the wording of this paragraph as simple and concise as possible without losing its explicitness, particularly in relation to the possible collective and individual rights belonging to minorities. The text of paragraph 1 as set out above was adopted at the third meeting of the Working Group.

Paragraph 2

9. With regard to paragraph 2 of article 5 the Working Group discussed the possible contents of this paragraph at its 1st, 2nd and 3rd meetings.

10. Initially, the Working Group focused its attention on the proposals to be found in Annex III of E/CN.4/Sub.2/1989/38. In this regard, the inclusion of the term "international customary law" did not find unanimous favour, nor did a proposal to introduce a qualification to "the enjoyment of rights accorded by international conventions" by the addition of the phrase "to which States have acceded". The proposal that these concerns could be satisfied by simply referring to "international law" thereby deleting the phrase "international conventions and international customary law" met with general agreement. However, to ensure that all views expressed were taken into account, an informal drafting group was asked to present proposals to the Working Group.

11. On introducing a compromise text for paragraph 2 it was explained that this formulation had been offered on previous occasions and that it attempted to accommodate all concerns expressed during the first two meetings. The text read:

> "This Declaration shall not prejudice the enjoyment by all persons of universally recognized human rights and fundamental freedoms."

This proposal was adopted at the Working Group's 3rd meeting.

Paragraph 3

12. The contents of this paragraph, as reproduced in Annex III of E/CN.4/Sub.2/1990/38, were discussed at the 2nd meeting of the Working Group.

13. In the course of the debate various comments were forwarded. Several delegations expressed their preference for the wording of this paragraph as it appeared within the text proposed by last year's informal drafting group whilst other delegations drew attention to the merits of the concise yet comprehensive approach offered by the Four Directions Council's text.

14. Concerning the contents of paragraph 3 it was stated by several delegations that although a reference to activities contrary to the purposes and principles of the United Nations was contained in the preamble to the draft declaration, a preference for the inclusion of such a reference particularly with respect to the sovereignty, territorial integrity and independence of States within the main text of the operative paragraphs which were regarded as holding greater legal weight and significance was emphasized.

15. Responding to these concerns, it was proposed to amend the text of the informal drafting group by deleting the phrase "or contrary to the principle of non-intervention and non-interference in domestic affairs" and the word "other". Paragraph 3 as adopted at the 2nd meeting of the Working Group is reproduced in Annex I of this report.

Paragraph 4

16. With respect to paragraph 4, numerous suggestions and amendments to the texts offered in Annex III of E/CN.4/1989/38 were presented at the 2nd and 3rd meetings of the Working Group.

17. Although several delegations indicated their preference for the wording of article 4 as it appeared in the texts of the informal drafting group and the Four Directions Council, which were identical in content, the focus of the

Working Group's attention rested upon the contents of the Ukrainian Soviet Socialist Republic's proposal which in its essence was based on article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination and article 5 of the Convention against Discrimination in Education.

18. In an attempt to meet the concerns expressed over protecting the rights of minorities as well as recognizing the obligations of minorities to respect the rights of others, various suggestions were forwarded. In this connection, the delegate of the Ukrainian Soviet Socialist Republic offered to amend his proposal, so that paragraph 4 would read:

> "In exercising their rights, [persons belonging to] minorities shall respect the human rights and fundamental freedoms of others and shall promote mutual understanding, tolerance, good neighbourliness and friendship among nations and racial or ethnic groups in conformity with the purposes and principles of the United Nations."

19. In response to this proposal, it was suggested to replace the expression "the human rights and fundamental freedoms" with the phrase "universally recognized human rights and fundamental freedoms".

20. While these amendments received general support, several delegations expressed particular difficulties with the inclusion of additional obligations on minorities in the same paragraph. It was stressed that this approach may lead to problems in interpreting the rights of minorities in the future.

21. In view of the continued objections raised as to the contents of paragraph 4 and the possibility of dividing the paragraph into two separate parts, the Chairman-Rapporteur asked an informal drafting group to consider the comments raised in the debate on this paragraph and to offer a new compromise text to the Working Group.

22. The text proposed for paragraph 4 by the informal drafting group appeared in document E/CN.4/1990/WG.5/CRP.2. It was explained that the elements of the previous Ukrainian proposal had been separated and that the Working Group should now consider a shortened version of paragraph 4 as well as a new article. Paragraph 4 as proposed and adopted by the Working Group at its 3rd meeting is reproduced in Annex I of the present report.

B. First reading of new article

23. After the adoption of paragraph 4 of article 5, the Working Group turned its attention to the proposed new article, as it appeared in document E/CN.4/1990/WG.5/CRP.2, based on the discussion and adoption of paragraph 4. This proposal read:

> "This Declaration shall be carried out in a spirit of mutual understanding, tolerance, good neighbourliness and friendship among nations and racial, ethnic, religious and linguistic groups in conformity with the purposes and principles of the United Nations."

General agreement was expressed as to the value and validity of the inclusion of this new article.

READEX FICHE

24. In the course of the debate on the contents and meaning of this new article several amendments were proposed. It was suggested, inter alia, that the word "nations" should be deleted and replaced with the phrase "States and peoples" or "States and all people"; that the term "good neighbourliness" be deleted or replaced with the phrase "good neighbourly relations"; and that the list of minorities covered by this article should correspond to the title of the declaration. Several delegations questioned the appropriateness of using the ambiguous term "peoples", despite the clarification that the term covered relations within and between States.

25. Considering the lack of consensus over the use of the words "peoples", "all people", "national" and "good neighbourliness", it was proposed that these words be surrounded by square brackets, indicating that the Working Group should return to a careful consideration of these words at a second reading.

26. The text of the new article, as adopted at the 3rd meeting, appears in Annex I of this report.

27. It was also decided that a decision on the placement of this article would be taken at a second reading.

C. First reading of draft article 6

28. Draft article 6 as reproduced in Annex II of document E/CN.4/1989/38 was discussed at the 2nd and 4th meetings of the Working Group. Various delegations stated that many of the rights pertaining to this article had been taken into consideration in previously adopted draft articles.

29. Having considered the explanation that the difference between this and other articles related to its generalization rather than enumeration of specific rights, the Working Group decided at its 4th meeting that it should return to a consideration of the possible need for and contents of this article reproduced in document E/CN.4/1989/38, Annex II, at the second reading and that for the present the whole article would appear within square brackets. The text of this article appears in Annex I of this report.

D. First reading of draft article 7

30. This draft article was discussed at the 3rd, 4th and 5th meetings of the Working Group. The Working Group began its consideration of draft article 7 on the basis of a proposal submitted by the Four Directions Council in document E/CN.4/1986/WG.5/WP.2 and reproduced in Annex II of E/CN.4/1989/38.

31. In introductory comments to the proposed text, it was explained that the intention of this article was to focus on the principle of strengthening the participation of geographically distinct minorities at the regional as well as at the national level in an attempt to minimize the possibility of marginalization of minorities and to promote national stability.

32. In the discussion which followed, several delegations expressed understanding for the proposed article, but hesitated over certain words which in their view might be construed as giving special rights to persons belonging to minorities even when they constituted a majority within a given region and

to limited resources available for selected development projects. Several delegations expressed the view that the main ideas incorporated in draft article 7 were already contained in previous articles, namely article 3, paragraph 2, and article 1, paragraph 1. In this respect the proposal was made not to adopt such an article, but to supplement article 3, paragraph 2.

33. Taking these points into consideration, with regard to the chapeau of paragraph 1 and its subparagraphs (a) and (b), it was suggested that minorities should:

(a) have the opportunity to influence the character and direction of regional development;

(b) have the opportunity to influence decisions affecting them at the national level and wherever possible in regional institutions.

34. The text of paragraph 2, it was suggested, should highlight the idea that minorities should enjoy the same economic rights as the entire population, but not that an agrarian region, for example, should be transformed into an industrial region.

35. In connection with a possible text for paragraph 3, it was tentatively proposed that developing programmes and international economic and financial assistance should take due account of national, ethnic, religious and linguistic minorities.

36. Due to a lack of consensus as to the contents of draft article 7, an informal drafting group was established. At the 4th meeting of the Working Group a new text for article 7 was offered for consideration. The text read as follows:

Article 7

In regions where [persons belonging to] ethnic, religious or linguistic minorities form compact communities or a large part of the population, measures should be taken to ensure that:

(a) they have the right to preserve their identity and, for this purpose, that they participate effectively in the life of the society and to be involved formally in decisions concerning the development of the regions in which they live;

(b) national development policies and programmes, as well as programmes of international economic co-operation and financial assistance, are planned and implemented with due regard for their legitimate interests.

37. It was explained that the new draft restated the original proposals in more general language and that the text retained three basic ideas: (i) the preservation of the identity of minorities, (ii) effective participation of minorities in decisions affecting regional development, and (iii) the encouragement of minority interests in the process of development assistance.

38. An alternative version was subsequently presented to the Working Group. It read as follows:

> 1. Ethnic, religious and linguistic minorities shall have the right to preserve their identity, to participate effectively in the life of society and to be involved in decision-making regarding the development of the regions in which they live.
>
> 2. National development programmes and policies, as well as programmes of economic and social co-operation, shall be drawn up and implemented with due regard for their legitimate interests.

39. It was noted that a chapeau paragraph was not included in the second version and that the term "national" minority was missing from both texts.

40. Considering these points, it was suggested that both texts could be used as a basis for discussion if the chapeau were deleted from the first text; if the following words from that chapeau were reintroduced in paragraph (a) of that text: "[persons belonging to] ethnic, religious and linguistic minorities"; and that the word "national" be surrounded by square brackets in both versions.

41. Other amendments foresaw the replacement of the phrase "life of society" with "national affairs", "affairs of the State" or "public life"; the deletion of the phrase "for this purpose"; the retention from earlier proposals of the concept "national/regional institutions"; and the substitution of the word "formally" with "directly".

42. In the course of the discussion it was suggested that article 7 should concentrate on the specificaton of new points. In this regard, it was suggested that the article could refer to the right of minorities to be involved in the planning and implementation of decisions, including those related to economic matters, at the regional level but need not restate the right to the preservation of their identity. On the other hand, a preference was expressed for the article to cover the right to universal suffrage and participation in representative government. It was also suggested that article 7 could provide for the right to education.

43. In connection with these points, the following observations were made: firstly, that the rights set out in article 7 should relate to rights accorded to minorities rather than the duties of States towards minorities, therefore no repetition or conflict existed between the contents of this article and previously adopted articles in first reading; secondly, that in according these rights to minorities due account must be taken of their size so as to determine their ability to affect decision-making as envisaged; and thirdly, that it was necessary to decide whether the article should relate to political or economic matters.

44. Following this discussion, an amended text for paragraph (a) was proposed and read:

> (a) [Persons belonging to] [national] ethnic, religious or linguistic minorities have the right to be involved directly in decisions concerning the development of the regions in which they live, [through national institutions and, where possible, through regional institutions].

45. The word "directly" caused concern, especially in relation to its translation into French. Unease was also expressed as to the inclusion of human rights and fundamental freedoms not yet universally accepted, therefore one delegation had difficulty with the word "development". Problems were also expressed over the retention of the notion "national and regional institutions". In response to these concerns, it was agreed that the word "development" be deleted; that the phrase "national and regional institutions" be placed within square brackets; and that an alternative expression should be found for the word "directly".

46. An alternative version of article 7, as prepared by an informal drafting group, was presented to the Working Group at its 5th meeting, taking into account the discussion held until then.

47. Draft article 7 was adopted at the 5th meeting and it is reproduced in Annex I.

E. First reading of draft article 8

48. At the 5th meeting of the Working Group, draft article 8 as contained in document E/CN.4/1990/WG.5/CRP.1 was introduced by the representative of the Four Directions Council. The text read as follows:

Article 8

The organs and specialized agencies of the United Nations system shall contribute to the full realization of the rights and principles set forth in this Declaration, within their respective fields of competence. To this end:

(i) the Secretary-General shall organize regional and global technical meetings to stimulate an exchange of experience in this field among governments and with the people affected by this Declaration;

(ii) the Sub-Commission on the Prevention of Discrimination and Protection of Minorities shall undertake annually a review of the national and international measures which have been taken for the implementation of this Declaration, and report on the problems encountered and progress achieved;

(iii) States shall provide, as far as possible, information on the identity, numbers, location, organization, and social and economic characteristics of minorities in their reports to bodies established under United Nations conventions in the field of human rights;

(iv) United Nations organs and specialized agencies shall give special consideration to requests for technical co-operation and assistance that are designed to achieve the aims of this Declaration.

49. In introductory comments, it was explained that this proposal attempted to ensure that the Declaration would be implemented as effectively as possible within the agencies, organs and human rights bodies of the United Nations system. In the discussion about the draft article, the view was expressed that the text of this article should not be included in the body of the Declaration, but form part of a future resolution relating to the Declaration. On the other hand, preference was expressed for the retention of the text of the chapeau of article 8 in the Declaration and the deletion of subparagraphs (i)-(iv) as their content was regarded as too technical and inappropriate for the text of a declaration.

50. An agreement was reached by the Working Group that the chapeau of draft article 8 be included in the Declaration and that subparagraphs (i)-(iv) would form part of a future resolution. The text as adopted is to be found in Annex I.

III. ADOPTION OF THE PROVISIONS OF THE DRAFT DECLARATION AT FIRST READING AT THE 5TH MEETING OF THE WORKING GROUP

51. The Working Group decided to adopt the draft declaration in first reading.

IV. THE ORGANIZATION OF FUTURE WORK

52. In light of the completion of the declaration in first reading, various suggestions and comments were offered as to how the Working Group could best complete its work at the second reading. The view was raised that the complexity of the minority issue had not been fully and comprehensively addressed by the Declaration which should set out more clearly the rights and responsibilities of both States and minorities. A request was made for the submission of four proposals to be considered at the next session of the Working Group relating to the minorities' right to specific parliamentary representation; multilateral conventions respecting the cultural unity of territories; unimpeded relations between populations sharing the same culture but separated by frontiers; autonomous administration; and, for the future, the possibility of establishing an international minority council should be considered.

53. A few delegations drew the attention of the Working Group to their wish for a speedy and successful completion of the work on the Declaration in view of the many conflicts involving minorities at the present time. It was the opinion of these delegations that greater priority should be accorded to the question of minorities within human rights bodies. In this connection, it was suggested that the Working Group should meet two weeks prior to the next session of the Commission and that a technical review should be available for consideration at the next session of the Working Group.

54. A delegation drew the attention of the Working Group to the financial implications of such a proposal and expressed the view that consultations with all delegations were needed before making a formal proposal to the Commission.

55. The Chairman-Rapporteur reminded the open-ended Working Group that in the past there were cases when a working group met for longer periods either inter-sessionally (Child Convention), before the session of the Commission (Rights of the mentally ill) or during the session of the Commission (Child Convention). She asked the delegation to undertake to consult with the Centre for Human Rights to find the most suitable arrangement.

56. In conclusion the Chairman-Rapporteur expressed her appreciation to everyone for their present and future co-operation and efforts in preparing the Declaration as smoothly and quickly as possible.

V. ADOPTION OF THE REPORT

57. At its 6th meeting, on 5 March 1990, the Working Group adopted its report.

Annex I

TEXT OF THE DRAFT DECLARATION AS ADOPTED IN FIRST READING

Draft declaration on the rights of persons belonging to national or ethnic, religious or linguistic minorities

The General Assembly,

Reaffirming that one of the basic aims of the United Nations, as proclaimed in its Charter, is to promote and encourage respect for human rights and for fundamental freedoms for all, without distinction as to race, sex, language or religion,

[Reaffirming] [Reiterating] [Declaring] faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small,

Desiring to promote the realization of the principles [concerning the rights of] [persons belong to] [minorities] which form the basis of the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide and the International Convention on the Elimination of All Forms of Racial Discrimination as well as other relevant international instruments [that have been adopted at the universal or regional level and those concluded between individual States Members of the United Nations],

Inspired by [Based on] the provisions of article 27 of the International Covenant on Civil and Political Rights concerning the rights of persons belonging to ethnic, religious or linguistic minorities,

Considering that the promotion and protection of the rights of persons belonging to [national or] ethnic, religious or linguistic minorities contribute to the political and social stability of States in which they live,

Confirming that friendly relations and co-operation among States, which take place in the spirit of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, contribute to international peace and security and to the creation of more favourable conditions for the realization and promotion of human rights, including the rights of [persons belonging to] [national or], ethnic, linguistic and religious minorities,

Emphasizing that the constant promotion and realization of the rights of persons belonging to minorities, as an integral part of the development of society as a whole and within the constitutional framework, would in turn contribute to the strengthening of friendship and co-operation among peoples and States,

Bearing in mind the work done so far within the United Nations system, in particular the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities as well as the bodies established pursuant to the International Covenants on Human Rights and other relevant

international human rights instruments on promoting and protecting the rights of persons belonging to [national or] ethnic, religious or linguistic minorities,

Recognizing the need to ensure even more effective implementation of international human rights instruments relating to the rights of persons belonging to [national or] ethnic, religious or linguistic minorities,

Proclaim this Declaration on the Rights of Persons Belonging to [National or] Ethnic, Religious or Linguistic Minorities:

Article 1

1. [Persons belonging to] [national or] ethnic, linguistic and religious minorities (hereinafter referred to as minorities) have the right to respect for, and the promotion of, their ethnic, cultural, linguistic and religious identity without any discrimination.

2. [Persons belonging to] minorities have the right to life, liberty and security of person and all other human rights and freedoms without discrimination.

Article 2

1. In accordance with the Charter of the United Nations and other relevant international instruments, [persons belonging to] minorities have the right to be protected against any activity, including propaganda, [directed against minorities] which:

(i) may threaten their existence [or identity];

(ii) [interferes with their freedom of expression or association] [or the development of their own characteristics]; or

(iii) otherwise prevents their full enjoyment and exercise of universally recognized human rights and fundamental freedoms.

2. In accordance with their respective constitutional processes [and in accordance with the relevant international treaties to which they are parties], all States shall undertake to adopt legislative or other appropriate measures to prevent and combat such activities, with due regard to the principles embodied in this Declaration and in the Universal Declaration of Human Rights.

Article 3

1. [Persons belonging to] minorities have the right, individually or in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, and to use their own language, freely and without interference or any form of discrimination.

2. All States [which have not yet done so] shall [take measures to create favourable conditions to enable [persons belonging to] minorities to freely]/[ensure that [persons belonging to] minorities are freely able to]

express their characteristics, to develop their [education,] culture, language, religion, traditions and customs, and to participate on an equitable basis in the cultural, religious, social, economic and political life in the country where they live.

3. To the same ends, persons belonging to minorities shall enjoy, without any discrimination, the right to establish and maintain contacts with other members of their group [and with other minorities], especially by exercise of residence within the borders of each State, and the right to leave any country, including their own, and to return to their countries. [This right shall be exercised in accordance with national legislation and relevant international human rights instruments.]

Article 4

1. All States shall take legislative or other appropriate and effective measures, especially in the fields of teaching, education, culture and information, to promote and protect the human rights and fundamental freedoms of [persons belonging to] minorities.

2. Such measures shall include facilitation of the enjoyment by [persons belonging to] minorities of their freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, in particular through utilization of all forms of communication. [This freedom shall be exercised in accordance with national legislation and relevant international human rights instruments.]

3. Such measures should also include the exchange of information [and experience] among States in the aforementioned fields, with a view to strengthening mutual understanding, tolerance and friendship among all people, including [persons belonging to] minorities, [as well as to develop further friendly relations and co-operation among States in accordance with the Charter of the United Nations.]/[as well as to develop further international co-operation in the spirit of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.]

Article 5

1. Nothing in this Declaration shall prevent the fulfilment of international obligations of States in relation to [persons belonging to] minorities. In particular, States shall fulfil in good faith the obligations and commitments they have assumed under international treaties and agreements to which they are parties.

2. This Declaration shall not prejudice the enjoyment by all persons of universally recognized human rights and fundamental freedoms.

3. Nothing in the present Declaration may be construed as permitting any activity contrary to the purposes and principles of the United Nations and, in particular, contrary to the sovereignty, territorial integrity and political independence of States.

4. In exercising their rights [persons belonging to] minorities shall respect the universally recognized human rights and fundamental freedoms of others.

[Article 6

Member States of the United Nations shall endeavour, depending on their specific conditions, to create favourable political, educational, cultural and other conditions and to adopt adequate measures for the protection and promotion of the rights of minorities proclaimed in this Declaration.]

Article 7

(a) [Persons belonging to] [national,] ethnic, religious or linguistic minorities have the right to preserve their identity, and to participate effectively in the affairs of the State, and in decisions concerning the regions in which they live [through national institutions and, where possible, regional institutions].

(b) National policies and programmes, as well as programmes of international co-operation and assistance, shall be planned and implemented with due regard for their legitimate interests.

Article 8

The organs and specialized agencies of the United Nations system shall contribute to the full realization of the rights and principles set forth in this Declaration, within their respective fields of competence.

New article

This Declaration shall be carried out in a spirit of mutual understanding, tolerance, [good neighbourliness] and friendship among States and [all peoples]/[peoples] and [national], racial, ethnic, religious and linguistic groups in conformity with the purposes and principles of the United Nations.

To be included within a resolution accompanying the Declaration

(i) The Secretary-General shall organize regional and global technical meetings to stimulate an exchange of experience in this field among governments and with the people affected by this Declaration;

(ii) The Sub-Commission on the Prevention of Discrimination and Protection of Minorities shall undertake annually a review of the national and international measures which have been taken for the implementation of this Declaration, and report on the problems encountered and progress achieved;

(iii) States shall provide, as far as possible, information on the identity, numbers, location, organization, and social and economic characteristics of minorities in their reports to bodies established under United Nations conventions in the field of human rights;

(iv) United Nations organs and specialized agencies shall give special consideration to requests for technical co-operation and assistance that are designed to achieve the aims of this Declaration.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/42
12 January 1990

ENGLISH
Original: SPANISH

ECONOMIC COMMISSION FOR EUROPE

COMMISSION ON HUMAN RIGHTS

Forty-sixth session
Item 23 of the provisional agenda

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Report on Equatorial Guinea prepared by the Expert, Mr. Fernando Volio Jiménez, in accordance with resolution 1989/70, paragraph 3, of the Commission on Human Rights

CONTENTS

		Paragraphs	Page
I.	Introduction	1 - 11	1
II.	Visit to Equatorial Guinea and implementation of the Plan of Action	12 - 35	2
	A. Human rights treaties and conventions	17	3
	B. Codification of fundamental laws	18 - 19	3
	C. Establishment of an appropriate legal system ..	20	4
	D. Instruction in law for the people	21 - 22	4
	E. Public administration	23 - 24	4
	F. Education	25 - 26	5

GE.90-10036/1480B

CONTENTS (continued)

		Paragraphs	Page
	G. Labour	27	5
	H. Electoral processes	28 - 32	5
	I. Development of a free press	33	6
	J. Compliance with United Nations human rights conventions	34	6
	K. Establishment of a Special Review Commission	35	6
III.	Meeting of the Consultant with the President of Equatorial Guinea	36 - 40	6
IV.	Conclusions	41 - 52	7
V.	Recommendations	53 - 64	9

I. INTRODUCTION

1. In accordance with Commission on Human Rights resolution 33 (XXXVI) of 11 March 1980 and Economic and Social Council decision 1980/137, the Secretary-General appointed Mr. Fernando Volio Jiménez as Expert on the situation in Equatorial Guinea. After studying the relevant aspects of the situation, Mr. Volio Jiménez, who was Special Rapporteur of the Commission on Human Rights for Equatorial Guinea and who has visited the country on three occasions, formulated a Plan of Action for the restoration of human rights and fundamental freedoms in Equatorial Guinea which was proposed by the Secretary-General to the Government of Equatorial Guinea and accepted by it. In resolution 1982/36, the Economic and Social Council took note of the Plan.

2. In 1982, the authorities of Equatorial Guinea drew up a new Constitution with the assistance of two consultant jurists, Mr. Jorge Mario García Laguardia and Rubén Hernández Valle, appointed by the Secretary-General on the Expert's recommendation. Since then, the Expert has continued to lend advisory assistance in connection with the subsequent implementation of the Plan of Action. At its forty-second session, the Commission on Human Rights had before it a report on the progress achieved in that regard, including information on the work that had been carried out by another team of two consultant jurists, also appointed on the Expert's recommendation, with a view to the implementation of the Plan of Action (E/CN.4/1986/34/Add.2).

3. At its forty-third session, in resolution 1987/36 the Commisson on Human Rights requested the Secretary-General to continue his contacts with the Government of Equatorial Guinea, with the assistance and advice of the Expert. The Commission also requested the Secretary-General, bearing in mind the need for early implementation of the Plan of Action, to explore ways and means of giving appropriate assistance to the Government in the framework of the implementation of the Plan.

4. In 1987, the Government of Equatorial Guinea communicated its observations on the consultant jurists' report. In his capacity as Expert, Mr. Volio examined the observations and made a report to the Secretary-General. In his report to the Commission at its forty-fourth session (E/CN.4/1988/6), the Secretary-General supported the Expert's recommendation that, in order to accelerate the implementation of the Plan of Action with a view to ensuring the protection of human rights in Equitorial Guinea through an appropriate legal system, such implementation could be entrusted to the National Codification Commission whose establishment had been announced by the Government, with the assistance of expertise that might be provided in the framework of the Advisory Services Programme in consultation with Mr. Volio.

5. At its forty-fourth session, the Commission on Human Rights adopted resolution 1988/52, in which it requested the Expert to submit to the Commission a report on the manner in which the Government of Equatorial Guinea intended fully to implement the Plan of Action and on the progress achieved to date.

6. The Expert had planned a mission to the country in order to prepare his report to the Commission. The Government of Equatorial Guinea had given its agreement in principle to the Expert's mission, which had been planned for the last week of January 1989. Unfortunately, Mr. Volio had to be hospitalized in

an emergency in December 1988 to undergo a delicate operation. Consequently, he was unable to carry out the mandate with which he had been entrusted by the Commission on Human Rights.

7. The Government of Equatorial Guinea for its part, addressed a letter on 24 November 1988 to the Resident Representative of the United Nations Development Programme in Malabo reiterating the country's need for the following: (a) qualified staff at all levels of the administration of justice; (b) wider publication of the legal provisions adopted in the country; (c) revision of certain provisions of the Constitution; (d) assistance to the National Codification Commission; (e) renovation of a centre; (f) support to the Ministry of Justice for improving its services and assistance in organizing the land registry and notary services.

8. At its forty-fifth session, the Commission on Human Rights adopted resolution 1989/70 requesting the Government of Equatorial Guinea "to give appropriate consideration to the implementation of the plan of action proposed by the United Nations, taking particular account of the recommendations and proposals submitted by the Expert" and reiterating the request that the Expert should submit "a report on the manner in which the Government of Equatorial Guinea intends fully to implement the plan of action and on the progress achieved to date" for consideration at its forty-sixth session.

9. Mr. Volio Jiménez was unable personally to carry out the mission to Equatorial Guinea in order to make direct contact with the country's authorities and report to the Commission in accordance with resolution 1989/70, as he was still recovering from a serious operation. Consequently, he informed the Under-Secretary-General for Human Rights, in a letter dated 17 July 1989, that, in view of the urgency of the matter, he suggested that Mr. Arnaldo Ortiz López, a jurist and former Costa Rican Ambassador to Austria and Uruguay, could establish contacts with the authorities of Equatorial Guinea and assist him in preparing the report to the Commission.

10. After having been informed by the Centre for Human Rights, the authorities of Equatorial Guinea replied by telegram on 28 September 1989 and said that they accepted the mission by Mr. Arnaldo Ortiz López, the Centre's Consultant on Equatorial Guinea, to establish the direct contacts. Mr. Arnaldo Ortiz López's mission to Equatorial Guinea took place from 20 to 26 November 1989.

11. This report has been prepared pursuant to Commission on Human Rights resolution 1989/70.

II. VISIT TO EQUATORIAL GUINEA AND IMPLEMENTATION OF THE PLAN OF ACTION

12. In accordance with Commission resolution 1989/70 and in view of the other considerations set out in the introduction to this report, the Consultant carried out his mission to Equatorial Guinea from 20 to 26 November 1989 inclusive. He had previously prepared his mission in conversations with Mr. Volio Jiménez, in Costa Rica, and with Advisory Services officials of the Centre for Human Rights in Geneva.

13. A complete and detailed report of the Consultant's work in Equatorial Guinea was given to Mr. Volio Jiménez and to the Centre both orally and in writing. The Consultant's activities are summarized below.

14. On arrival at Malabo Airport, the Consultant was welcomed by the following Government representatives: Mr. José Luis Nvumba Mañana, the Director-General of Justice, Penal Establishments and Worship; Mr. Adolfo Ndongo Micha Mia, Director-General of Registries and Notary Services; and Mr. Mariano Nsue Nguema, Secretary-General of the Ministry of Foreign Affairs and Co-operation.

15. During his stay in Malabo, the Consultant held working conversations with the following dignitaries and senior officials of the Government of Equatorial Guinea, the Supreme Court of Justice and the Bar Association: Mr. Obiang Nguema Mbasogo, President of the Republic; Mr. Marcelino Nguema, Minister of State, Secretary-General of the Office of the President; Mr. Alejandro Evuna Owono Asangono, Minister responsible for missions (in his capacity as Chargé d'affaires of the Office of the Ministry of Foreign Affairs and Co-operation); Mr. Silvestre Siale Bileka, Minister of Justice and Worship (who acted as co-ordinator between the Government and the Consultant during his mission); Mr. Antonio Pascual Oko Ebobo, Minister of Labour and Social Advancement; Mrs. Purificación Angue Ondo, Minister-Delegate for the Advancement of Women; Mr. Alfredo Tomas King Tomas, Attorney-General of the Republic; Mr. Ricardo Mangue Obama Nfube, Judge and President of the Court of Appeal; Mrs. Evangelina Oyo Ebule, Judge of the Supreme Court; and members of the Bar Association.

16. The Consultant also visited the courthouse and courts of the Republic, the land and trade registry and the civil registry. As a result of the above-mentioned meetings, the Consultant made the following observations.

A. Human rights treaties and conventions

17. In December 1989 the Government decided to issue a decree based on the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The decree was to indicate the fundamental rights and freedoms of citizens. Equatorial Guinea is a party to the two International Covenants on Human Rights, as well as to the Optional Protocol to the International Covenant on Civil and Political Rights. The Government intends to ratify the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination. It is confident that it will be possible to adopt and ratify both international instruments in early 1990.

B. Codification of fundamental laws

18. The Government accepted the recommendation made in the Plan of Action (E/CN.4/1439) and undertook immediately to establish a drafting committee, which would be assisted from the very beginning and at all its meetings by a specialist in order to prepare a flexible and up-to-date codification, which, because it will have been drafted *in situ*, can be adapted to the ethnic and cultural composition of the people of Equatorial Guinea.

19. Pursuant to the recommendation made by the Expert, the Government also requested assistance in establishing official contacts with the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD), whose headquarters are in San José, Costa Rica. With

regard to the Expert's recommendation that the Government should pay attention to declarations and conventions concerning marriage, the family and children in order better to meet the needs of Equatorial Guinea in those areas, the Government stated that it was ready to initiate the relevant study, in connection with which it requests assistance from the Centre for Human Rights.

C. Establishment of an appropriate legal system

20. The Government is prepared to co-operate in the following areas in order to implement the recommendations contained in the Plan of Action: (a) the training of lawyers by the Universidad Estatal a Distancia, in Madrid, which operates in Malabo; for this purpose, it is hoped that the Government of Spain will be able to co-operate by providing approximately 15 scholarships; (b) the establishment of codification commissions composed of personnel from the Government and the Bar Association assisted by foreign specialists who may be sent to the country by the Centre for Human Rights advisory services, in consultation with the Expert; such commissions would draft the Penal and Civil Code, the Codes of Civil and Criminal Procedure and a judicial power organization act; and (c) the preparation and training of court staff, with assistance from the Centre.

D. Instruction in law for the people

21. The Government of Equatorial Guinea is currently carrying out a radio and television campaign to increase the population's awareness of the importance of the law and the courts. The campaign also makes use of written material, as well as oral public trials which are held in the capital's theatre and broadcast later at night by the single television channel. The Consultant attended the trials held in the theatre and watched the television programmes and is consequently able to confirm the information contained in this report. He attended without giving notice of his intention to do so, without assistance from any Government office or agency and at different times.

22. The Consultant observes that the Government of Equatorial Guinea is complying with the Plan of Action as far as instruction in law for the people is concerned.

E. Public administration

23. It should be stressed that it is imperative not only to introduce a genuine and uniform programme of public administration, as recommended in the Plan of Action, but also to provide it with technical support by training experts in public administration through scholarships for courses at the Central American Public Administration Institute (San José, Costa Rica).

24. It should also be mentioned that the School of Public Administration, under the responsibility of the Ministry of State, Secretary-General of the Office of the President, is now in operation. It offers a programme of courses in public administration, with assistance from resident experts of the United Nations Department of Technical Co-operation for Development, which is part of the Secretariat in New York. It is vital to obtain from that Department syllabuses for the courses taught, as well as an up-to-date assessment of the programme's achievements. The Consultant draws attention to the interest of the Government of Equatorial Guinea in this regard.

F. Education

25. The Consultant was informed that the Government is carrying out a programme in schools and colleges, through the Office of the Minister-Delegate for the Advancement of Women, to educate citizens about the values and advantages of a democratic government and about the reconstruction plan which is being implemented and which clearly sets out the advantages of harmonization with the indigenous cultural heritage.

26. By means of a new General Education Act to be promulgated by the Popular Assembly, the Government is seeking to improve the initial and in-service training of future and practising teachers; to strengthen the educational system; to improve educational programmes and the training provided for students; and to enhance private lay and religious education in co-operation with associations and orders capable of ensuring the unity of the Equatorial Guinean family.

G. Labour

27. A general labour bill is being considered by the Inter-Ministerial Division and the Council of Ministers, as a preliminary step prior to submission to Parliament. The bill embodies the following basic precepts: (a) collective bargaining; (b) employment contracts for piece-work; (c) payment of entitlements in respect of notice of dismissal and unemployment; (d) workers' profit sharing; (e) job security; (f) the General Act on Agricultural Co-operatives, which contains regulations on agricultural labour, is also being considered with a view to implementation and promulgation.

H. Electoral processes

28. In this connection, the Consultant observed that the Government is currently initiating a process of preparation and training to encourage the population to take part in solving its problems and appointing persons to represent it on the so-called "neighbourhood committees". This process will begin with the election by the inhabitants of their representatives for each block in their district as a means of bringing their needs to the attention of the municipal and village authorities, as well as to that of the central Government.

29. This is the start of a system of grass-roots participation in the solution of community problems, but it is not yet comparable to the system of the popular election of members of town councils. It is intended to encourage the development of political tendencies differing from those of the central Government.

30. Political pluralism does not exist. At present, the Democratic Party of Equatorial Guinea is the sole active party.

31. With regard to electoral processes and political participation, the Consultant made a formal proposal, pursuant to the Plan of Action, concerning the need to promulgate a General Associations Act, which might also constitute specific legislation on the establishment and registration at the national level of political parties other than the official party.

32. The Consultant stated that, although the "Education for Democracy" programme was under way, genuine political pluralism did not yet exist in Equatorial Guinea and there were no safeguards covering the participation, either within or outside the country, of political leaders and intellectuals who are opposed to the Government's policies.

I. Development of a free press

33. The Consultant expressed the view that it was essential for a printing press to be installed in Malabo. The Government of Equatorial Guinea is requesting assistance with the installation of a printing press in the country, as no such facility now exists. The Government agrees with the suggestion made in the Plan of Action, as well as by the Consultant, that the press should publish both legislative decrees issued by the Legislative and Executive branches and notices and rulings by the Judiciary, as well as publications issued by citizens in the exercise of their right to freedom of expression.

J. Compliance with United Nations human rights conventions

34. The Consultant emphasized that the Government of Equatorial Guinea should comply with the requirement punctually to submit its periodic reports on conventions and covenants it has ratified to the United Nations Secretariat. However, as the Government lacks trained staff to draw up and prepare such reports, the authorities have requested the necessary technical assistance to provide training for such staff.

K. Establishment of a Special Review Commission

35. In accordance with the Plan of Action, the Consultant stressed the need to set up a Special Review Commission to monitor the implementation of the Plan of Action. In this connection, the Consultant noted that the Government of Equatorial Guinea had expressly agreed to comply with and implement the provisions of the Plan of Action.

III. MEETING OF THE CONSULTANT WITH THE PRESIDENT OF EQUATORIAL GUINEA

36. On 24 November 1989, the Consultant met with the President of the Republic in Malabo for 1 hour and 35 minutes. The Consultant discussed issues relating to the observance of human rights, in accordance with the Plan of Action and the Expert's recommendations.

37. The Consultant described the dialogue as specific and objective. The attitude of the President of the Republic was one of openness and understanding and he agreed on the need to speed up the implementation of the Plan.

38. The following issues were discussed: (a) a decree to be promulgated immediately setting out the fundamental freedoms of citizens in accordance with the Constitution; (b) the codification of civil and criminal law, both in positive and procedural law, and technical assistance from an expert for that purpose; (c) the General Associations Act; (d) training and instruction of lawyers and judicial officials; (e) instruction in law for the people; (f) installation of a printing press and technical assistance in operating it;

(g) labour legislation; (h) ratification of conventions; (i) technical assistance in training personnel to draft and present annual reports on the implementation of and compliance with conventions; (j) reorganization of the Land and Civil Registers and technical assistance in procuring equipment, preparing the necessary installations and training personnel; (k) equal rights and opportunities for women; (l) the death penalty; (m) the dissemination of human rights by public schools and religious orders; (n) political liberalization throughout the country.

39. The Consultant drew attention to the issues dealt with and to the willingness of the President to speed up their consideration in the short term and the medium term. It should be noted that the only two issues with which the President did not agree were (c) and (n) above.

40. The Consultant also drew particular attention to the clear willingness of the President to consider and analyse the relevant constitutional amendments. In that connection, he noted that the current Constitution was to remain in force for several years, so that a study may be carried out in order to update it. He requested that an expert should be sent for a reasonable amount of time to enable him to work with the committee appointed for the purpose to analyse and draft the necessary amendments. It is understood that the constitutional amendments would be those indicated in the Plan of Action, as well as any others which might be drafted by the committee and which the Expert might also consider necessary.

IV. CONCLUSIONS

41. The work carried out in Equatorial Guinea by Mr. Arnaldo Ortiz López of Costa Rica in his capacity as Consultant was of the highest order. He made an orderly and detailed assessment of the Plan of Action proposed by the Expert at the thirty-seventh session of the Commission on Human Rights (E/CN.4/1439). The objective of the Plan was to develop a system for the protection of human rights that would be linked to the advisory services programmes of the Centre for Human Rights and to bilateral and multilateral technical and financial co-operation programmes for the development of the country in all spheres.

42. Although some of the measures provided for in the Plan of Action had already been implemented, such as the drafting and adoption of a Constitution, it was necessary to evaluate the process as a whole and to identify a new starting point in order to give the required impetus to the policy of human rights protection in Equatorial Guinea.

43. The work done by the Consultant clearly shows that the Government continues to support the Plan of Action and is prepared to adopt the necessary measures to speed up its implementation. This confirmation of political support for the objectives of the Plan is the most positive result of the Consultant's visit to Equatorial Guinea.

44. Mention should also be made of the following achievements made so far: (a) adoption and ratification of the International Covenants on Civil and Political and Economic, Social and Cultural Rights and of the Optional Protocol to the International Covenant on Civil and Political Rights; (b) the decision to issue a decree based on those Covenants and on the Universal Declaration of Human Rights; such a Decree would disseminate information on

the fundamental rights of citizens, thereby enabling them to invoke those rights; (c) the decision to initiate the process of the approval and ratification of the Convention against Torture, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, as well as to start considering the conventions on the rights of women and the family; (d) reassertion of political determination to complete the codification of modern civil and criminal legislation, together with the relevant codes of procedure, in keeping with the country's customs; the codification was discussed in the past, in accordance with the wishes of the Government and the Plan of Action, but it was delayed for a number of reasons, what is now required is fresh impetus to bring the initiative to completion; (e) the emphasis placed by the Government on improving the legal system, as provided for in the Plan of Action; in the Expert's opinion, this is one of the most important and pressing objectives for the achievement of effective human rights protection; (f) instruction in law for the people is being properly carried out in accordance with the Plan of Action; (g) a School of Public Administration already exists and the programme proposed in the Plan of Action is thus being implemented, although the main ideas require further development; (h) the development of education programmes, as provided for in the Plan of Action, although the main ideas require further development; (i) the development of education programmes, as provided for in the Plan of Action, appears to have received adequate attention; (j) the same observation may be made in respect of labour relations; (k) the Government decision to develop an education programme to prepare citizens to consider and solve their communities' problems. Under the programme, local leaders are elected directly by the citizens. In the Expert's view, this would be a very positive step towards electoral processes for the democratic appointment of Goverment authorities, provided that it applies throughout the country.

45. The Associations Act proposed by the Plan of Action has not yet been adopted and there is no political pluralism. These two shortcomings are serious obstacles preventing citizens from fully defending their fundamental rights and living under a democratic régime.

46. The exile of Equatorial Guinean citizens jeopardizes the cause of human rights and hampers the country's economic and social development, as it is in dire need of human resources for its modernization, including in the political sphere.

47. Apart from a State television station and State radio station, which broadcast over a small area of the country, there are no media. This factor naturally jeopardizes the cause of human rights. The Government's willingness to comply with the proposals to this effect contained in the Plan of Action is a positive element, but improvements in the situation have to be made without delay. In this connection, it should be noted that the Government has emphasized the need for assistance with the installation of a printing press to enable it, inter alia, to publish a newspaper.

48. The Special Review Commission to ensure compliance with all aspects of the Plan of Action, which was one of the main recommendations made by the Expert in the Plan, has not yet been established. However, the Government has reaffirmed its intention to set up the Commission without further delay. The Commission would greatly stimulate the introduction of legal and political measures to protect fundamental rights.

49. The Government of Equatorial Guinea urgently requires international assistance in order to improve the living conditions of its citizens in all areas. Such assistance and the resulting improvements would greatly facilitate the programme for the promotion and protection of fundamental rights.

50. For the purposes of international assistance, it should be borne in mind that Equatorial Guinea was devastated by the long, cruel dictatorship of Francisco Macías, as a result of which it was plunged into a catastrophic economic and social crisis that worsened the circumstances of a noble and intelligent people, as Equatorial Guinea is sparsely populated and has few natural resources.

51. The efforts made by the Government and citizens of Equatorial Guinea, together with multilateral and bilateral international co-operation, are still not adequate to tackle the extremely grave problems weighing down this small country that is admirable in so many respects. Further efforts to provide Equatorial Guinea with assistance therefore have to be made on the basis of the Plan of Action which was agreed on with the Government and which needs to be enriched by new initiatives that have emerged or may emerge from the country's most recent experience.

52. It is above all essential that international co-operation should be aimed at affirming Equatorial Guinea's right to self-determination and its right to defend its sovereignty against any form of bilateral assistance that might undermine its values.

V. RECOMMENDATIONS

53. The Special Review Commission proposed in the Plan of Action should be established without further delay and the other measures suggested should be adopted for the purpose of promoting and protecting human rights.

54. The dissemination of the main human rights instruments should be continued with the support of information material provided by the Centre for Human Rights in Geneva. A batch of this material was sent to the Government in 1989 by the Advisory Services Section of the Centre for Human Rights, as ascertained by the Consultant, Mr. Ortiz López, during his visit to the country in November 1989.

55. The task of codifying the basic civil and criminal laws, as well as the procedural laws necessary for the operation of the courts, should be performed without delay in order to ensure the protection of citizens. The Advisory Services Section of the Centre for Human Rights could make a valuable contribution if it assigned at least two experts to co-operate with the Government in carrying out that task.

56. The Government should be given assistance in establishing working relations with the Central American Public Administration Institute in San José, Costa Rica. These links could be arranged by the Centre with the assistance of the Expert. It might also be possible to obtain scholarships from the Institute. This measure would enhance the praiseworthy efforts now being made by the School of Public Administration in Equatorial Guinea, with the assistance of UNDP.

57. It is essential to train lawyers in order to strengthen the administration of justice. To this end, the Centre should arrange for expanded Spanish co-operation to Equatorial Guinea through the Universidad Estatal a Distancia, which has an office in Malabo. A total of 15 scholarships has been suggested for this purpose. The Centre should also consider the possibility of other means of achieving this objective. The huge and pressing need for trained court personnel is a matter of great concern.

58. The consideration of amendments to the Constitution should begin as soon as possible. The Government requires the assistance of at least one expert and the recommendations made in 1982 by two experts sent by the Secretary-General pursuant to the Plan of Action and on the recommendation of the Expert should be borne in mind. During the Consultant's visit, the President of Equatorial Guinea confirmed the political resolve to undertake these reforms.

59. A printing press should be set up in the country so that a newspaper may be published once again and publications may be issued by citizens in the exercise of their freedom of expression. The press would also be used to disseminate Government decrees and other important information, as well as human rights material.

60. The exile of the régime's opponents should come to an end. They should be allowed to return to their country without delay and to resume their personal and public activities without reprisals. The Government should grant a broad amnesty to make this possible.

61. An Associations Act should be adopted to enable citizens to carry out their personal and civic activities, and to lay down the foundations for a system of political parties as a contribution to the establishment of representative democracy in all spheres. This important question is referred to in the Plan of Action.

62. The death penalty should be abolished in order to guarantee respect for the right to life and as a means of safeguarding fundamental rights, above all at the present time, when it is proving difficult to ensure that due process forms the basis for procedural rules. Reference has already been made to this important issue (see E/CN.4/1985/9, p. 20).

63. These recommendations are made without prejudice to any others included in this report or to those contained in previous reports by the Expert and in the Plan of Action.

64. The Expert wishes to stress the need for the international community to provide the noble and intelligent people of Equatorial Guinea with generous and timely co-operation to allow it to tackle the serious challenges arising from oppressing economic and social circumstances and to improve its political system in a framework of representative democracy within which freedom may blossom and take root.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/42/Add.1
6 March 1990

ENGLISH
Original: SPANISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 22

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Provision of expert services in the field of human rights

Equatorial Guinea

Introductory note to the report by the Expert, Mr. F. Volio Jiménez, appointed in accordance with Economic and Social Council resolution 1989/151

I wish to introduce the report contained in document E/CN.4/1990/42, relating to advisory services for Equatorial Guinea. The report covers the year 1989.

In preparing the report, I took into account the fact that, in this specific case, the advisory assistance is provided by the United Nations Centre for Human Rights, on the recommendation of this Commission. I likewise bore in mind that, in my capacity as Expert, appointed by the Secretary-General, I must try to ensure that the advisory assistance is put into effect within the framework of a Plan of Action in order to promote the gradual introduction of measures to protect the fundamental rights of the people of Equatorial Guinea. The Plan of Action was formulated by me in 1980, accepted by the Government and adopted by this Commission in 1981. The Plan listed the measures to be implemented by the Government to establish the basic institutions of a representative democracy, with the assistance of United Nations expertise. The raison d'être of the Plan of Action was - and is - the serious harm caused to human rights during the appalling dictatorship of Francisco Macías and, consequently, the urgent need to establish appropriate mechanisms for the protection of fundamental rights after the dictator's fall in 1979.

That year, I went to Equatorial Guinea for the first time, as Special Rapporteur. In 1980, the situation in the country was such as to be beyond the confines of the mandate of a Special Rapporteur and it began to be seen as something for which advisory services were required. For that purpose I assumed the duties of Expert, and I am now working in that capacity.

Little by little, with ups and downs, the Plan of Action is being implemented. The first significant achievement was the adoption in 1982 of a new Constitution, now in force. This was followed by other achievements, such as the ratification of human rights treaties and conventions, especially the two International Covenants and the Optional Protocol to the International Covenant on Civil and Political Rights.

The country has not, however, been able to emerge from the state of prostration in which it was left by the dictatorship. After my first visit in 1979 as Special Rapporteur, I returned to Equatorial Guinea in 1980 and in 1984 as Expert. During those three visits, I found the economic and social situation was unchanged. It was one of acute poverty and a critical shortage of trained human resources to carry out the essential tasks that were - and are - required for development, which was and is particularly handicapped by the country's limited economic resources and extremely small population.

My own observations were borne out by the persons sent to the country under the human rights advisory services programme to which I referred above. Despite the obstacles encountered, particularly the lack of the necessary suitably qualified administrative personnel in the Government of Equatorial Guinea, the Plan of Action is still operative and should be given a new boost.

At the end of 1989, on the basis of the Commission's resolution of March of that year, it was decided to evaluate the progress made in Equatorial Guinea in the field of human rights. A visit by the Expert was prepared for that purpose. However, I fell ill and, with the approval of the Under-Secretary-General for Human Rights, Mr. Jan Martenson, and the agreement of the Government, Mr. Arnaldo Ortiz López, from Costa Rica, was sent to Equatorial Guinea at my suggestion.

Mr. Ortiz visited the country as Consultant from 20 to 26 November 1989. The work he did was highly positive. A thorough assessment was made of the Plan of Action and the foundations were laid for a new period of co-operation between the Government and the Centre, within the framework of the Plan.

In my report, which includes an account of the mission by Mr. Ortiz López, reference is drawn to the advisory assistance measures which I believe are still required and must be put into effect as soon as possible. They may be summed up as follows: (1) amendments to the Constitution, for which there are documents, contained in previous reports I have submitted to the Commission; (2) a renewed effort at codification, in criminal law, criminal procedural law and civil law; (3) training, as a matter of urgency, of personnel working in the courts; (4) training of staff to prepare the reports on the implementation of the International Covenants on Civil and Political and on Economic, Social and Cultural Rights; (5) advisory services for the promulgation of an Associations Act; and (6) donation of printing equipment to publish a newspaper, accessible to citizens, as a means of communicating decisions by courts and government institutions. It is also

necessary, under the same advisory services programme, to provide for some kind of co-operation or assistance so that the Special Review Commission to monitor the implementation of the Plan of Action which is proposed in the Plan itself - and the importance of which was reiterated by the Government during the visit by Mr. Ortiz López - can be established and start work without further delay.

These advisory services would be more likely to yield results, within the bounds of their inevitably limited scope, if other constructive activities for bilateral or multilateral co-operation were undertaken along the same lines as the Plan we are promoting.

In any event, the international community must not forget that Equatorial Guinea was devastated by the long, cruel, Macías dictatorship, as a result of which - and this I think must be emphasized - the country was plunged into a catastrophic social and economic crisis that left a noble and intelligent people in a situation of even more dire poverty.

In the report I am submitting to you, reference is also made to situations that place further stumbling blocks on the path to democracy and, especially, on the path to implementation of the Plan of Action. I am referring to the possibility of the return of exiles and of incorporating them in the life of the country, in an atmosphere of full freedom and democratic pluralism, especially now that the Government has authorized only one political party; the party takes the official line and this does not appear to me to be satisfactory, since it is anti-democratic. Until such time as the executive-level figures now in exile, who are generally well equipped for the tasks of political, economic and social development, return to the country, the shortage of qualified human resources will continue to be the main obstacle to development and the primary cause of Equatorial Guinea's present problems. For this reason, I recommend that action be taken along these lines and that the Government allow the exiles to return.

- - - - -

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/43
23 January 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Forty-sixth session
Item 23 of the provisional agenda

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Report of the Secretary-General

CONTENTS

		Paragraphs	Page
INTRODUCTION		1	1
I.	MANDATE	2 - 16	1
II.	POLICY GUIDELINES AND PRACTICE	17 - 45	4
	A. Policy guidelines	17 - 30	4
	B. Practice	31 - 45	7
III.	IMPLEMENTATION OF THE PROGRAMME OF ADVISORY SERVICES AND TECHNICAL ASSISTANCE IN THE FIELD OF HUMAN RIGHTS	46 - 108	11
	A. Activities financed through the regular budget	47 - 68	12
	B. Activities financed through the Voluntary Fund	69 - 108	17
IV.	FUTURE ACTIVITIES	109 - 138	29

GE.90-10120/1470B

CONTENTS (continued)

Page

Annexes

I. United Nations Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights 34

II. Contributions to the United Nations Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights (UNFASTA) at 21 December 1989 36

III. Additional requests received from Governments for advisory services and technical assistance in the field of human rights . 37

INTRODUCTION

1. By resolution 1989/72, the Commission on Human Rights, at paragraph 16, requested the Secretary-General to submit a report at its forty-sixth session on the progress made in the implementation of the programme of advisory services in the field of human rights. By its resolution 1989/71, the Commission, at paragraph 10, also requested the Secretary-General to elaborate guidelines on the use and allocation of the resources available through the Voluntary Fund, with special emphasis on an effective mechanism for project appraisal. The present report is submitted in pursuance to the above-mentioned resolutions.

I. MANDATE

2. The United Nations programme of advisory services in the field of human rights was established pursuant to General Assembly resolution 926 (X) of 14 December 1955, consolidating the previous technical assistance programmes with a broad programme of assistance in the field of human rights; the entire programme became known as "advisory services in the field of human rights" authorizing the Secretary-General to make provision at the request of Governments and with the co-operation of the specialized agencies where appropriate, for the following forms of assistance with respect to the field of human rights: (a) advisory services of experts; (b) fellowships and scholarships; and (c) seminars.

3. The General Assembly indicated that the assistance was to be provided in agreement with the Governments concerned, on the basis of requests received from Governments; that the kind of service should be determined by the Governments concerned; that the selection of persons to receive scholarships and fellowships should be made by the Secretary-General on the basis of proposals received from Governments; and that the amount of the assistance and the conditions under which it was to be rendered should be decided by the Secretary-General, with due regard to the greater needs of the underdeveloped areas and in conformity with the principle that each requesting Government would assume responsibility, as far as possible, for all or a considerable amount of the expenses connected with the assistance furnished to it, either by making a contribution in cash, or in the form of services for the purposes of carrying out the programme. It stated further that the assistance would be applicable to any subject in the field of human rights, unless adequate advisory assistance was available elsewhere.

4. The General Assembly recommended that the specialized agencies should continue to develop their technical assistance activities with a view to aiding a Member State to further the effective observance of human rights, and expressed the hope that international and national non-governmental organizations, universities, philanthropic foundations and other private groups would supplement their new United Nations programmes with similar programmes designed to further research and studies, the exchange of information, and assistance in the field of human rights.

5. Regional training courses were added to the programme in 1967, and national training courses in 1986.

6. The Commission on Human Rights in its most recent resolution adopted on this subject, resolution 1989/72, after having taken note with appreciation of the report of the Secretary-General on advisory services (E/CN.4/1989/42), reaffirmed that the programme of advisory services in the field of human rights should continue to provide practical assistance in the implementation of international conventions on human rights to those States which indicated a need for such assistance, and recommended to the Secretary-General that the provision of expert assistance and activities to assist Governments in the development of the necessary infrastructures to meet international human rights standards should continue to increase.

7. In the same resolution, the Commission, inter alia, requested the Secretary-General: to pursue his efforts for a medium-term plan for advisory services and technical assistance in the field of human rights; to enable the Centre for Human Rights to co-ordinate, as appropriate, within the United Nations system, the activities for the provision of advisory services and technical assistance in the field of human rights in all its aspects; to explore yet further the possibilities offered by co-operation between the Centre and specialized United Nations bodies, such as the United Nations Development Programme and the High Commissioner for Refugees, and the International Committee of the Red Cross, in the development of strategies for the setting up or the strengthening of national infrastructures for the promotion and protection of human rights and the planning, execution and evaluation of specific projects; to ensure close co-ordination between the activities of the regular programme of advisory services and those of the Voluntary Fund.

8. In addition, the Commission invited competent United Nations bodies, such as the committees set up under the International Covenants, the Committee on the Elimination of Racial Discrimination and the Committee against Torture, to make suggestions and proposals for the implementation of advisory services, and requested its special rapporteurs and representatives, as well as the Working Group on Enforced or Involuntary Disappearances, to inform Governments, whenever appropriate, of the possibility of availing themselves of the services provided for under the programme of advisory services. Finally, the Commission requested the Secretary-General to report to it at its forty-sixth session on the progress made in the implementation of the programme of advisory services in the field of human rights.

9. It should be noted that in order to enhance the programme of advisory services and technical assistance through voluntary contributions, the Commission on Human Rights by resolution 1986/52 requested the Secretary-General to submit to it relevant information on the possible role of an eventual trust fund on advisory services in the field of human rights and, if it were established, the manner in which it could function. The Secretary-General's report, submitted in pursuance of that resolution (E/CN.4/1987/33 and Add.1, Add.1/Corr.1 and Add.2), indicated that the establishment and operation of such a trust fund could broaden the scope of the advisory services programme.

10. Thus, by resolution 1987/38, the Commission requested the Secretary-General to establish and administer in accordance with the financial regulations and rules of the United Nations, a voluntary fund for advisory services and technical assistance in the field of human rights. It emphasized

that the objective of the trust fund would be to provide additional financial support for practical activities focused on the implementation of international conventions and other international instruments on human rights promulgated by the United Nations, its specialized agencies or regional organizations.

11. The Commission authorized the Secretary-General to receive voluntary contributions to the Fund from Governments, intergovernmental and non-governmental organizations and individuals in a position to make such contributions, and to solicit contributions, or to make such representations or appeals for contributions, as he deemed appropriate. It called upon all Governments, intergovernmental and non-governmental organizations and individuals to consider making voluntary contributions to the Fund, and encouraged Governments in need of technical assistance in the field of human rights to avail themselves of the services of experts in the field.

12. Following the endorsement of the Commission's resolution by Economic and Social Council decision 1987/147, of 29 May 1987, the Secretary-General established, on 16 November 1987, the United Nations Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights.

13. In 1988, the Commission endorsed the Secretary-General's outline for a medium-term plan for advisory services and technical assistance (E/CN.4/1988/40), utilizing the resources of the Regular Budget (under section 24) and those of the Voluntary Fund as additional financial support, and which would aim at: (a) furthering knowledge and understanding of international human rights standards and their normative content, with a view to promoting their widest application; (b) facilitating the implementation of international human rights instruments; (c) providing practical assistance to Governments in the establishment and development of national infrastructures for the promotion and protection of internationally recognized human rights norms.

14. At its last session, the Commission adopted resolution 1989/71 on the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights. By this resolution, the Commission, inter alia, reiterated that the objective of the Voluntary Fund was to provide additional financial support for practical activities focused on the implementation of international conventions and other international instruments on human rights promulgated by the United Nations, its specialized agencies or regional organizations and recommended that activities under the Voluntary Fund should be directed towards expert assistance to Governments with a view to creating and developing the necessary infrastructures to meet international human rights standards.

15. Furthermore, the Commission encouraged the Secretary-General to pay due attention to the particular needs of developing countries and to explore fully the possibilities offered by the co-operation of the relevant specialized agencies of the United Nations system with the Centre for Human Rights, and recommended that the Secretary-General continue to consider for financing and implementation through the Voluntary Fund those projects and programmes which can play a catalytic role in the practical realization of internationally recognized human rights standards. The Commission also requested the Secretary-General to bring regularly to the attention of all Governments and

of the competent human rights organs the possibilities that exist under the Voluntary Fund of providing advisory services and technical assistance to Governments at their request; and to elaborate guidelines on the use and allocation of the resources available through the Voluntary Fund, with special emphasis on an effective mechanism for project appraisal. Finally, the Commission requested the Secretary-General to report annually to the Commission on Human Rights on the operation and administration of the Voluntary Fund as part of his annual report on advisory services in the field of human rights.

16. At the same session, the Commission also adopted the following resolutions on the programme of advisory services and technical assistance: (i) resolution 1989/74 on assistance to Guatemala in the field of human rights; (ii) resolution 1989/73 on assistance to Haiti in the field of human rights; and (iii) resolution 1989/70 on the situation in Equatorial Guinea. Information on the implementation of these resolutions is contained in documents E/CN.4/1990/45 and Add.1, E/CN.4/1990/44, and E/CN.4/1990/42, respectively.

II. POLICY GUIDELINES AND PRACTICE

A. Policy guidelines

17. The general guidelines for the advisory services and technical assistance programme as a whole are set out in the various resolutions referred to in part I above. It should be noted in particular that the programme of advisory services and technical assistance is conceived as a complementary tool to the other parts of the United Nations human rights programme. Advisory services and technical assistance can assist Governments but cannot substitute for reporting, monitoring and investigating activities of the programme. The provision of such assistance should not be a pretext for evading the Government's responsibility for accountability on the human rights situation and should not exempt it from scrutiny through the various procedures established by the Commission on Human Rights.

18. The Secretary-General accords priority, inter alia, to activities aimed at: (i) promoting the universal ratification of or accession to United Nations conventions on human rights; (ii) assisting in the establishment or development of regional human rights institutions and mechanisms established under regional arrangements; (iii) strengthening or establishing national human rights institutions and infrastructures responsible for applying effectively international human rights standards; (iv) revising and adapting domestic legal texts to the norms contained in international instruments on human rights promulgated by the United Nations, its specialized agencies or regional organizations; (v) training nationals responsible for implementing international human rights norms; (vi) playing a catalytic role in impelling other human rights activities.

19. In identifying projects, appraising their viability and allocating the available resources, the Secretary-General ensures that the activities financed under the regular programme and those financed under the Voluntary Fund form part of a comprehensive programme of advisory services and technical assistance, and that they are interrelated and co-ordinated. Resources under the regular budget are allocated to finance the regular

programme of fellowships, the holding of international or regional human rights seminars requested by United Nations policy-making bodies and the advisory missions of experts requested under the relevant Commission resolutions. The remaining resources may be utilized to provide expert advice to Governments requesting it and to organize national or regional training courses. The Voluntary Fund provides additional financial support for practical activities focused on the implementation of international human rights instruments promulgated by the United Nations, its specialized agencies or regional organizations. The financial resources of the Fund are allocated in priority to developing and strengthening regional institutions and national infrastructures responsible for human rights. Upon request from Governments, the Secretary-General provides practical assistance which consists mainly of expert services, fellowships, training courses and seminars; paying particular attention to the needs of developing countries, as well as to the broadest geographical representation; and ensuring that the decisions taken by United Nations policy-making organs in the field of human rights are respected.

20. The evaluation of the results is based on the extent to which the immediate and long-term objectives set out in the specific project are achieved. To this end, results will be assessed on the basis of developments following the completion of any project or activity. Such developments will include the ratification of international or regional human rights instruments, the establishment and/or strengthening of national institutions, the quality of reporting to treaty bodies, public awareness and national co-ordination among national institutions. Views expressed by experts serving on the treaty bodies about the quality and presentation of reports, views of reputable non-governmental organizations on the general human rights situation in a given country, will all be important indicators for evaluation. Questionnaires are distributed to participants of training courses, workshops, etc. to assess these activities. The results are then studied. Approximately 70 per cent of the evaluation questionnaires given to the participants were returned. On the basis of those replies, it appears that for the overwhelming majority, the courses corresponded to the needs of their country. Participants also pointed out that the topics chosen were relevant to their work. Most of the participants were of the opinion that the lectures given were well prepared and found particularly useful the work conducted in the working groups and/or the United Nations documentation provided.

21. Country projects, such as the ones being implemented in Guatemala and Colombia, have been followed up and monitored on a regular basis in order to check that services and equipment have been delivered as scheduled. The provision of the advisory services of experts to these two countries has been the subject of reports with conclusions and recommendations which have been transmitted to the national authorities. As regards the joint UNDP/Centre project in Colombia, regular meetings are being held between UNDP in Bogota and the Government agency representatives implementing the project. In addition, an internal assessment was carried out in May 1989 by the Colombian Office of the Human Rights Adviser, the Centre for Human Rights and UNDP Bogota. As a result, priorities and some items of the programme were revised substantially.

22. The activities carried out under country projects emanating from a United Nations resolution are reported on by the relevant expert to the Commission on Human Rights in a specific report. (See in particular the

report on Guatemala (E/CN.4/1990/45)). The expert takes into account the reports submitted by the various consultants whose services may have been provided to the Government. Other projects, including projects executed by the Centre under the advisory services programme, are reported on in the present document.

23. The Centre will at a later stage undertake comprehensive evaluation studies of the programmes carried out in Guatemala and Colombia. As a general rule, the expert entrusted by the Commission with a specific mandate also fulfils monitoring functions with regard to the execution of a particular programme of advisory services and technical assistance in a given country. The Commission itself, when it examines the report of the expert, has the opportunity of appraising the political will of the Government concerned in improving the human rights situation in the country, and to evaluate to what extent and in what form the Government should continue to benefit from United Nations advisory services and technical assistance.

24. The follow-up activities will take into account recommendations made by United Nations policy-making organs, the various experts and other organizations co-operating in the implementation of a project or activity. Whenever any project or activity triggers another, its viability will be assessed in order to determine its usefulness for a follow-up. It is worth noting, as one example, that the establishment of the Arab Institute of Human Rights was a direct result of the Workshop for the Arab Region organized by the United Nations Centre for Human Rights in Tunis, in September 1988.

25. An advisory group comprising officials of the Centre for Human Rights (from the Under-Secretary-General's office, the Administration, the Advisory Services and External Relations Sections) has been set up in order to assist the Under-Secretary-General for Human Rights in reviewing requests, identifying projects, appraising their viability, monitoring their implementation and assessing results. As a general rule, the Centre will be guided by standard UNDP directives for project formulation, implementation and reporting.

26. It should be noted that in keeping with Commission resolutions 1989/71 and 1989/72, the Secretary-General informed Member States as to the possibilities offered by the United Nations, under the programme of advisory services in the field of human rights. In this connection, a fact sheet explaining the programme of advisory services and technical assistance was issued in 1988 and is being distributed in all official languages of the United Nations. A large number of requests from Governments for advisory services and technical assistance was received in the course of 1989 (see Annex III).

27. The Secretary-General also pursued his efforts to co-ordinate and facilitate the flow of bilateral assistance in the field of human rights. The informal meetings the Centre holds with donor and other interested countries provide a valuable forum for such co-ordination. It is in this context that in the course of 1989, the results of a feasibility study, carried out in the Gambia concerning the needs of the country for the setting up of a regional Centre for Democracy and Human Rights Studies in Banjul, were circulated to and discussed with interested Governments. The Centre for Human Rights will continue to hold regularly informal meetings with donor and other interested countries on various aspects of the utilization of the Voluntary Fund.

28. In connection with the activities of treaty-established bodies, such as the Committee on Human Rights, the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Racial Discrimination, which had been invited to make suggestions and proposals for the implementation of advisory services, it should be noted that they discussed this issue and expressed their views in their respective 1989 reports. The Committee on the Elimination of Racial Discrimination suggested that technical assistance and advisory services should be provided on a regular basis through regional or sub-regional training courses to assist States parties to the Convention in fulfilling their reporting obligations. The Committee on Economic, Social and Cultural Rights pointed out that article 23 of the Covenant specifically provided that "the furnishing of technical assistance" is one of the methods to be used by way of international action for the achievement of the rights recognized in the Covenant. The Committee was of the opinion that the advisory services programme could assist Governments: (a) in reviewing national legislation, drafting appropriate legislative instruments or taking necessary action towards ratification of the Covenant; (b) in preparing an initial report monitoring the situation in a State party with respect to the enjoyment of the rights of the Covenant in question; (c) in enabling a State party, which would otherwise be unable to do so, to send an expert from the capital to present the report and to engage in a constructive dialogue with the Committee. The Committee also stated that every effort should be made to ensure that economic, social and cultural rights are, wherever possible, on the programmes of all regional and other training courses, workshops and seminars.

29. The Commission's special rapporteurs and representatives, as well as the Working Group on Enforced or Involuntary Disappearances, were requested to inform Governments, whenever appropriate, of the possibility of availing themselves of the services provided under the programme of advisory services and technical assistance. In this connection it is worth mentioning that following the mission of Mr. P. Kooijmans, the Special Rapporteur on Torture, to Uruguay in 1988, the Government requested, in June 1989, the Centre for Human Rights to assist it in organizing training courses for law-enforcement officers aiming at a better application of the provisions of international instruments on human rights in Uruguay.

30. Within this context, it may be worth recalling that the General Assembly in its resolution 43/90 invited Member States and others to draw upon the contributions of non-governmental organizations concerned with human rights for the achievement of a programme of action in the field of human rights that the Assembly invited the Commission on Human Rights to elaborate. The Secretary-General also takes into account the status of adherence to the main United Nations conventions on human rights.

B. Practice

31. In keeping with its mandate to co-ordinate, as appropriate, system-wide advisory services and technical assistance in the field of human rights in all their aspects, on 12 April 1989, the Centre held an inter-agency meeting in Geneva. The meeting was attended by representatives of the following organizations and bodies: Crime Prevention and Criminal Justice Branch (CSDHA-Vienna); Department of Public Information; International Labour Office (ILO); United Nations Development Programme (UNDP); United Nations Disaster

Relief Organization (UNDRO); United Nations Educational, Scientific and Cultural Organization (UNESCO); United Nations High Commissioner for Refugees (UNHCR); United Nations Children's Fund (UNICEF); United Nations Institute for Training and Research (UNITAR); United Nations Interregional Crime and Justice Research Institute (UNICRI); World Health Organization (WHO); Council of Europe; and the International Committee of the Red Cross (ICRC). It explored possibilities for additional concrete forms of co-operation on the development of strategies for the setting up or strengthening of national infrastructures and attitudes for the promotion and protection of human rights. It made it possible for participants to review programmes and to exchange information on projects and activities dealing with human rights matters. Emphasis was placed on strengthening co-operation in the area of advisory services and technical assistance. The attention of United Nations bodies and agencies, active in the field of development, was drawn to the need for technical assistance indicated by a number of Member States. The meeting laid the foundation of a flexible inter-agency mechanism for human rights activities. A summary of the deliberations is available at the Centre for Human Rights and is reflected in General Assembly document A/44/660, paragraphs 42-92. It should be noted in particular that further forms of co-operation in the area of advisory services and technical assistance were identified with the UNDP, UNHCR, UNICEF, WHO, CSDHA, UNICRI and the ICRC. Discussions with those and other organizations continue on an on-going basis and the Centre plans to reconvene yearly such an inter-agency meeting.

32. During 1989, the leadership of the Centre for Human Rights and of UNDP held periodic meetings in order to further enhance co-ordination and co-operation between the two organizations, started with the joint project in Colombia (see also paras. 74-78). As a result of these meetings, a letter signed by the Under-Secretary-General for Human Rights and the UNDP Administrator was sent to all UNDP Resident Representatives informing them, inter alia, of the new priority of the United Nations in the area of advisory services and technical assistance in the field of human rights. The letter also called on UNDP Resident Representatives to offer suggestions and advice with respect to possible forms of co-operation concerning on-going UNDP projects having a human rights dimension or new projects related to human rights issues in response to a specific Government's request. At the time of the writing of this report, the Centre had already received a number of indications from UNDP Resident Representatives of interest in the Advisory Services and Technical Assistance Programmes; these indications are now being followed up so as to identify the required needs.

33. In co-operation with UNICRI, the Centre organized a training course for Colombian judges in Castelgandolfo (Rome). With the Crime Prevention and Criminal Justice Branch (Centre for Social Development and Humanitarian Affairs), the Centre continued to develop activities of the programme dealing with human rights and the administration of justice. In collaboration with the International Committee of the Red Cross (ICRC), the Centre organized the second training course on human rights for Guatemalan officials and utilized the expertise of staff for the national training courses held in Buenos Aires (Argentina), Lima (Peru), and Moscow (USSR). The Centre has also relied on the expertise of senior staff of the World Health Organization and the United Nations High Commissioner for Refugees in Banjul (the Gambia), Buenos Aires (Argentina) and Moscow (USSR).

34. Throughout 1989, the Centre for Human Rights, in addition to participating in inter-agency meetings, has co-operated in the organization of or actively participated in over 75 conferences, workshops, seminars and meetings held by national institutions, academic and research institutions, and non-governmental organizations in different parts of the world in order to highlight, inter alia, the new priorities of the United Nations in the field of human rights including the possibilities offered by the advisory services and technical assistance programmes of the Centre for Human Rights. Thus the Centre for Human Rights has made concerted efforts to increase its co-operation with national and regional institutions, academic and research communities, and non-governmental organizations. As indicated in more detail in the report of the Secretary-General on public information activities (A/44/660), the Centre held three consultations with representatives of non-governmental organizations in Geneva. In addition, the Under-Secretary-General addressed a letter to some 800 heads of research institutes and deans of law faculties worldwide, outlining, inter alia, the possibilities available under the advisory services and technical assistance programme.

35. As indicated in paragraphs 69-73, the Centre for Human Rights began the execution of a co-operation programme to assist in strengthening the capabilities of the Organization of African Unity's (OAU) Commission on Human and Peoples' Rights. The Centre organized, in co-operation with the African Commission on Human and Peoples' Rights and the Government of the Gambia, the training course on "Developing national strategies and mechanisms to promote and protect human rights in Africa" in Banjul, the Gambia.

36. On 12 June 1989, the Under-Secretary-General for Human Rights attended the inauguration of the headquarters in Banjul, the Gambia, of the African Commission on Human and Peoples' Rights. He addressed not only the inaugural ceremony, but also the special session of the African Commission, and held consultations with the Chairman and other members of the Commission, as well as with the Secretary-General of the OAU Secretariat, on future areas of co-operation between the Centre for Human Rights and the African Commission.

37. Experts from the Andean Commission of Jurists and from the Centre for the Independence of Judges and Lawyers of the International Commission of Jurists (ICJ) took part in the Andean Seminar on Human Rights organized by the Centre and held in Quito, and a representative of the Centre for Human Rights served as a panelist in the training workshop organized by the Andean Commission of Jurists in Lima. The Centre for Human Rights was actively involved in or co-sponsored a number of training activities organized by the Centre for the Independence of Judges and Lawyers of the ICJ, particularly in Lahore, Managua and Grenada.

38. The Council of Europe participated in the inter-agency meeting of 12 April 1989, where it emphasized the potential for wide-ranging co-operation on the issue of advisory services and technical assistance with the Centre for Human Rights. It had made an appeal in November 1988, in the context of the fortieth anniversary year of the Universal Declaration of Human Rights, for contributions by its Member States to be made to the Centre's advisory services and technical assistance funds. The Council stated its readiness to co-operate with the Centre on specific projects and was ready to offer the assistance of experts on human rights at the Centre's workshops. The Centre

for Human Rights is actively involved in supporting activities of the Council of Europe and the OAU Commission on Human and Peoples' Rights aimed at enhancing co-operation between these two regional organizations and participated in Porto Novo (Benin) in the first of such activities. The Centre has also established preliminary contacts for possible future co-operative endeavours in the fields of human rights training, teaching and dissemination of information with, inter alia, the Commonwealth Secretariat and the Organization of Islamic Conferences.

39. In connection with human rights academic and research institutes, it should be noted that the Centre provided the Strasbourg Institute of Human Rights with four senior staff for lectures in English, French, Spanish and Arabic for a four-week period during the Institute's annual human rights courses. United Nations fellows in human rights spent two weeks in the Institute to improve their knowledge of the European human rights system and to follow courses on the American and African human rights systems. The head of the Centre is a member of the Institute and of its Honorary Board.

40. The collaboration between the Centre and the Interamerican Institute for Human Rights continued to develop in 1989, in particular regarding the teaching of human rights in Latin American countries - a subject which was dealt with during the seminar on human rights for Andean countries organized by the Centre. The Interamerican Institute received the support of the Centre in the seminar held in Brasilia to discuss the possibilities of structuring a training programme in human rights for officials of the Latin American ministries of external relations, which would assist them in overcoming difficulties in relation to the international implementation of human rights conventions. During 1989, the Centre continued collaboration with UNITAR in identifying the framework for possible future joint activities in the field of training in human rights reporting under the United Nations conventions.

41. After a first successful example of co-operation with the San Remo Institute of Humanitarian Law in 1988, the Centre, because of financial constraints, has postponed to 1990 a training course on the administration of justice and human rights for francophone African countries, originally planned for December 1989. The scope of the activities of the Institute is therefore being expanded to include human rights questions in addition to humanitarian and refugee issues.

42. Following its establishment early in 1989, the Arab Institute of Human Rights (Tunis) has now begun operations. The Centre for Human Rights, whose representative is a member of the Institute's Executive Board, is developing programmes of co-operation with the Institute with a view to assisting in various training and educational activities and to disseminating United Nations human rights information materials in the Arab world, which include the main areas of concern of the Institute.

43. The Centre for Human Rights has also assisted in the establishment in Banjul, the Gambia, of an African Centre for Democracy and Human Rights Studies. The African Centre will work in co-operation with the OAU Commission on Human and Peoples' Rights and will be active, inter alia, in research and training activities. In June 1989, the Centre for Human Rights sponsored a feasibility study in connection with the institution and development of the African Centre within its advisory services and technical assistance programme.

44. The Centre for Human Rights, in connection with its training activities for law-enforcement officials, has increased its co-operative endeavours with such established institutions as the Henri Dunant Institute in Geneva and the Messina Centre of Sociological, Penal and Penitentiary Research and Studies. The Centre has also established co-operative endeavours with a number of universities whereby senior staff are invited to address regular courses on specific human rights subjects each semester. This is the case, for instance, with the University of Geneva (Switzerland) and the University of Leiden (Netherlands). Similar arrangements are being discussed with the University of Lund (Sweden) and a number of other universities around the world.

45. The Centre for Human Rights co-operated with the Japan Federation of Bar Associations (JFBA) in the realization of a human rights seminar in Tokyo from 5 to 7 December 1989 on the administration of justice and prevention of discrimination and protection of minorities. Some 250 members of the legal profession and scholars from all over Japan participated in the meeting. Guest-speakers included the Under-Secretary-General for Human Rights, Mr. N. MacDermot, Secretary-General of the International Commission of Jurists, Mr. P. Kooijmans, Special Rapporteur on Torture, Professor F. Pocar, Rapporteur of the Human Rights Committee and Professor Y. Yokota, Alternate member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. Discussions followed each of the presentations. A report with the proceedings of the seminar is being prepared by the JFBA. The seminar was entirely financed by the JFBA.

III. IMPLEMENTATION OF THE PROGRAMME OF ADVISORY SERVICES AND TECHNICAL ASSISTANCE IN THE FIELD OF HUMAN RIGHTS

46. As indicated, the activities of the United Nations programme of advisory services and technical assistance in the field of human rights are financed from the regular budget (section 24) of the United Nations and included the following activities: an international seminar in Athens (Greece), 18 to 26 September 1989; a training course in Moscow (USSR), 27 November to 1 December 1989 (it should be noted that the training course was financed from the USSR contribution in roubles to section 24 of the United Nations Regular Programme of Technical Co-operation); the Fellowship Programme; advisory missions of experts to Equatorial Guinea, Guatemala and Haiti. Activities financed from the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights included the following activities: assistance to the African Commission on Human and Peoples' Rights of the OAU; country programmes in Colombia, Guatemala and the Gambia, including the provision of 21 fellowships and the advisory services of 17 experts; holding of 8 training courses and workshops in the following countries: Guinea (Conakry), the Gambia (Banjul), Ecuador (Quito), the Philippines (Manila), Italy (Rome), Peru (Lima), Argentina (Buenos Aires) and Guatemala (Antigua).

A. Activities financed through the regular budget

1. International Seminar on Cultural Dialogue between the Countries of Origin and the Host Countries of Migrant Workers, Athens (Greece) 18-26 September 1989

47. The United Nations Centre for Human Rights organized an International Seminar on Cultural Dialogue between the Countries of Origin and the Host Countries of Migrant Workers from 18 to 26 September 1989, in Athens, Greece.

48. This Training Course was organized in pursuance of General Assembly resolution 38/14 within the framework of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination under the programme of advisory services and technical assistance in the field of human rights, and was financed under the regular budget of the United Nations.

49. The topics for discussion were based on background papers prepared by four experts on the following subjects: "Effectiveness of International Norms and Practical Measures Aimed towards the Acceptance of Basic Principles Relating to the Treatment and Protection of Migrant Workers and their Families" by Mrs. Erika-Irene Daes (Greece); "Experience on the establishment of Institutions and/or Procedures in the States of Origin and the State of Employment for the Special Needs, including Social, Health and Other Services of Migrant Workers and their Families" by Mr. Tom Achacoso (Philippines); "Discrimination experienced by Migrant Workers and their Families with regard to Educational Facilities and Teaching Programmes and School Curricula" by Mr. Danilo Türc (Yugoslavia); "Participation in Public Affairs, including the Right to Vote and to be Elected, as well as the Right to Freedom of Association and the Right to Join Trade Unions in the State of Employment and their State of Origin" by Mr. Bengt Lennart Lidal (Sweden).

50. Twenty-five countries participated in the discussion: Algeria, Australia, Brazil, Cyprus, France, Federal Republic of Germany, Ghana, Greece, India, Mexico, Morocco, Netherlands, Norway, Philippines, Poland, Portugal, Senegal, Spain, Sweden, Switzerland, Tunisia, Turkey, United States of America, USSR and Yugoslavia.

51. Mrs. Erika-Irene Daes (Greece) was appointed Chairman of the Seminar, Mr. Elhalje Maleen Konte (Senegal), Vice-Chairman and Mr. Björn Hammarberg (Sweden), Rapporteur.

52. The Under-Secretary-General for Human Rights, Mr. Jan Martenson, formally opened the meeting and thanked the Greek Government for its offer to host the Seminar in Athens. He expressed the hope that practical ideas and effective approaches would emerge which would contribute to the drafting of an international convention on the protection of the rights of migrant workers. The Secretary-General of the Ministry for Foreign Affairs of Greece, Mr. Alexander Raphael, also addressed the opening session.

53. The report of the meeting was considered by the Working Group on Migrant Workers during the session it held in New York in October 1989, and is being transmitted to the Economic and Social Council and to the Commission on Human Rights (E/CN.4/1990/50). Among the conclusions, the participants agreed that the principle of equality and non-discrimination is the fundamental basis for

the protection of migrant workers and their families; that the international standards relating to migrant workers must lead to policy goals and guidelines for States; that education has a catalytic role for integration of migrant workers into society; and that migrant workers should be granted the right and the opportunity to form and join associations of their own. Specific recommendations were addressed to Member States exhorting them to finalize, in the near future, the draft international convention on migrant workers and to consider acceding to the international instruments on the matter. Host countries were called upon to promote inter-community activities and to consider, where possible, extending to migrant workers the right to vote and to be elected and to adopt positive steps for education, training and employment.

54. Finally, the participants called upon the United Nations and its specialized agencies to encourage within their mandates regular dialogue and consultations between countries of origin and host countries.

2. Training Course on International Human Rights Standards, Moscow (USSR), 27 November-1 December 1989

55. A national training course on international norms and standards in the field of human rights was held in Moscow, USSR, from 27 November to 1 December in co-operation with the United Nations Association of the USSR and the support of the Soviet Government. The objective of the course was to familiarize participants with the internationally established standards in the field of human rights and with the experience gained in that respect by the various United Nations experts present. Topics discussed included: the international system for the protection and promotion of human rights; international human rights standards and their application in national legislation: issues and tasks; international monitoring of compliance with obligations of States for the implementation of human rights instruments; international law and mechanism of protection of the rights of persons on the national level; international standards in the field of civil and political rights (the right to liberty of movement, the right to freedom of thought, conscience and religion, the right to strike and to peaceful assembly); international protection of refugees' rights; protection of human rights in non-international conflict.

56. The meeting was attended by representatives of the Government, law-enforcement officials, members of Soviet faculties of law, diplomatic academies, various institutes, by university students and local non-governmental organizations. It was officially opened by Mr. Jan Martenson, Under-Secretary-General for Human Rights and addressed by Deputy Foreign Minister, Mr. V. Komplektov. Guest speakers included: Mr. G. Arnaout (UNHCR Director, Refugee Law and Doctrine Division); Mrs. C. Chanet (France), Member, Human Rights Committee; Mr. S. Chernichenko (USSR), Member, Sub-Commission on Prevention of Discrimination and Protection of Minorities; Mr. A. Eide (Norway), Member, Sub-Commission on Prevention of Discrimination and Protection of Minorities; Mrs. R. Higgins (United Kingdom), Member, Human Rights Committee; Mr. T. Johnson (United States of America), Counsellor for Legal Affairs, United States Mission, Geneva; Mr. V. Kartashkine (USSR), Senior Researcher, Institute of State and Law, Academy of Sciences; Mr. Y. Kolossov (USSR), Chief, Chair of International Law, Moscow State Institute for International Relations; Mr. R. Müllerson (USSR), Member,

Committee on Human Rights; Mr. V. Kuznetsov (USSR), Member, Committee on Economic, Social and Cultural Rights; Mr. B.L. Nazarov (USSR), Chief, Chair of Human Rights, Juridical Institute of the USSR; Mr. F. Pocar (Italy), Rapporteur, Human Rights Committee; Mr. Y. Reshetov (USSR), Director, Department of Ministry for Foreign Affairs; Mr. Y. Sandoz (Switzerland), President, Commission on Humanitarian Law, International Institute of Humanitarian Law; Mr. Agha Shahi (Pakistan), Member, Committee on the Elimination of Racial Discrimination; Mr. C. Tomuschat (Federal Republic of Germany), Member, International Law Commission. A round table discussion was organized by Professor Y. Kolossov of the Moscow State Institute for International Relations where the meeting took place in co-operation with the Journal Komsomol. (This activity was financed from the Soviet contribution to section 24 of the United Nations Regular Budget on Technical Co-operation.)

57. A summary of the meeting is available at the Centre for Human Rights and will be published shortly.

3. Fellowship Programme

58. The fellowship programme under the regular budget was restructured in 1988 in order to make it more effective. According to the new approach, the Centre for Human Rights, in co-operation with other competent United Nations services, conducted an academic programme, complemented by practical activities at the Centre for Human Rights in Geneva.

59. Fellowships are awarded by the Secretary-General to nominees who are or will be directly involved in functions affecting human rights, particularly in the administration of justice, as well as to members of national commissions of human rights. It may be recalled that the Commission on Human Rights in its resolutions 1985/26, 1986/17 and 1986/52 encouraged the Secretary-General, inter alia, to place increasing emphasis, when awarding human rights fellowships, to providing opportunities for training Government officials, whose responsibilities are related to the implementation of international conventions on human rights, particularly the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

60. Within this perspective, the Secretary-General, in 1989, received 65 nominations from 45 Governments for individual human rights fellowships. The Secretary-General has attempted to ensure a broad distribution of the fellowships, within the limits of the available resources, among the nationalities of the applicants, with priority given, inter alia, to applicants from developing countries, taking into consideration the allocation of a fair share to women, in conformity with General Assembly resolutions. Fellowships were awarded to the following 29 applicants:
Mr. Hossieni-Mir-A. Zaifi (Afghanistan), Mr. David J. Mason (Australia), Mr. Freddy Gazan (Belgium), Ms. Rita F. Sodjiedo (Benin), Mr. Jean-Paul Kouam Tekam (Cameroon), Mr. Chingfei Lin (China), Ms. Marcela Briceno Donn (Colombia), Ms. Gisèle Rivera Chacon (Costa Rica), Mr. Eduardo de la Cruz Lopez (Cuba), Mr. Peter Barica (Czechoslovakia), Mr. Abdi I. Hersi (Djibouti), Mr. Leoncio A.O. Essono Madjo (Equatorial Guinea), Mr. Mortaza Ramazani (Iran, Islamic Republic of), Mr. Obou M. Abie (Côte d'Ivoire), Ms. Marie C. Austin, Mr. Jean-Yves Gelin (Haiti), Mr. Fady Karam (Lebanon), Ms. Karima El-Hadi El-Turki (Libyan Arab Jamahiriya),

Ms. Valisoa Ranaivosahondra (Madagascar), Mr. Mohamed S.O.M. Lemine (Mauritania), Mr. Tahir A. Ansari (Nepal), Ms. Carol H. Lejuez (Netherlands), Mr. Orlando Guerrero Mayorca (Nicaragua), Ms. Fatimata B. Salifou (Niger), Ms. Lydia Elliott (Saint Lucia), Mr. Doudou Ndir (Senegal), Ms. Sylvia M. Ngirwamungu (Tanzania, United Republic of), Mr. Kirill Khitrov (USSR), Mr. Liloo Longele Nkema (Zaire).

61. In regard to the specific programme, all fellows spent the first and the last two weeks at the Centre for Human Rights in Geneva. During the first week they received briefings by staff members of the Centre on United Nations action in the field of human rights. Subsequently, the nominees participated for two weeks in the human rights training course at the International Institute of Human Rights, in Strasbourg (France), where they followed courses on the American, African and European human rights protection systems. Finally, they spent two additional weeks at the Centre in Geneva where they attended current human rights meetings of the Human Rights Committee, the pre-sessional Working Groups of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and received briefings on the work of the United Nations agencies. Finally, nominees were requested to exchange experiences, make an evaluation of the programme and present individual oral reports including each fellow's conclusions and recommendations for his superior.

62. According to the policies and procedures governing the administration of United Nations fellowships, at the conclusion of their training courses, all fellowship award recipients submitted a comprehensive final report to the Centre for Human Rights on subjects directly related to the promotion and protection of human rights as defined in the Covenants, Universal Declaration and resolutions of the United Nations regarding universal respect for human rights and fundamental freedoms. The fellows are added to the mailing list of the Centre for Human Rights and are recipient of all information materials on human rights.

63. As indicated in paragraphs 69-83 below, under the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights, 21 fellowships were granted, 13 to Colombian nationals, 1 to a national from the Gambia, 6 to Guatemalan nationals and 1 to a national of the United Kingdom. The 13 nationals from Colombia attended courses as follows: Mr. Hector F. Blandon Hurtado, Ms. Amanda de Jesus Londoño Gonzalez, Mr. Alcides Bernard Ortiz Barbosa and Mr. Gonzalo Suarez Lancheros followed the VIIth Interdisciplinary Course of the Inter-American Institute of Human Rights held at San José, Costa Rica, from 21 August to 1 September 1989; Mr. Manuel V. Arias Barreto, Mr. Jesus J. Booder Valencia, Mr. Alvaro Castillo Montenegro and Mr. Ramon Tarcisio Jaimes Zamudio followed the XIIth Course Higher Specialization for Police Forces of the "Centro Internazionale di Ricerche e Studi Sociologici Penali e Penitenziar", held at Messina, Italy, from 3 to 14 October 1989; Mr. Dario de Jesus Ruiz Ticono and Mr. Orlando Zafra Galvis followed the Course on International Human Rights of the International Institute of Human Rights in San Remo, Italy, from 4 to 15 June 1989; Mr. Jose A. Bayona and Ms. Marta C. Giraldo followed the "Septième session internationale de formation à l'enseignement des droits de l'homme et de la paix pour les professeurs des écoles primaires, secondaires et professionnelles du Centre international de Formation à l'enseignement des droits de l'homme et de la Paix (CIFEDHOP)", held at Geneva (Switzerland) from 3 to 8 July 1989; Mr. Mauricio A. Hernandez Mondragon followed the regular

programme of the Centre for Human Rights held in Strasbourg and in Geneva, from 3 July to 4 August 1989, as did Mr. Raymond C. Sock from the Gambia. The six Guatemalan nationals: Mr. Francisco Flores Sandoval and Mr. Luis A. Paniagua Galicia followed the Messina Course; Mr. Juan C. Cuestas Gálvez and Ms. Araceli Phefunchal Ariaza followed the work of the 45th session of the Commission on Human Rights from 30 January to 11 March 1989, as well as of other relevant bodies, such as the Committee on Economic, Social and Cultural Rights (6-24 February 1989) and the Committee on the Elimination of Racial Discrimination (27 February-17 March) and a specific programme established by the Centre; Ms. Olga E. Amado Jacobo de Segura and Lidia M. Rabanales Pinot followed the CIFEDHOP Course mentioned above. Ms. Deborah J. Strachan, from the United Kingdom, was granted a fellowship in the United Nations Centre for Human Rights in order to prepare a study on the draft declaration on the detention of persons detained on the grounds of mental ill health.

64. It should be noted that during 1989, some 45 internships were awarded to outstanding graduate students to gain first-hand knowledge of United Nations action and procedures in the field of human rights through active participation in the work of the Centre for Human Rights under the direct supervision of senior officials. Internships do not entail financial commitments of any kind by the Centre for Human Rights or the United Nations.

4. Advisory Missions of Experts to Equatorial Guinea, Guatemala and Haiti

65. The provision of advisory services of experts in the field of human rights is one of the main components of the programme established by General Assembly resolution 926 (X). Few Governments had in the past availed themselves of these services. The Commission, in its most recent resolutions 1988/54 and 1989/72, recommended to the Secretary-General that increasing emphasis be placed on expert assistance and on activities aiming at assisting Governments in the development of the necessary infrastructure to meet international human rights standards. Demand has increased consistently in 1989.

66. In 1989, the Commission adopted resolutions 1989/74 on Assistance to Guatemala in the Field of Human Rights; 1989/73 on Assistance to Haiti in the Field of Human Rights; and 1988/70 on the Situation in Equatorial Guinea. Under each of the above resolutions the Secretary-General was to provide the advisory services of experts to the Governments concerned.

67. In the course of 1989, Mr. H. Gros Espiell, Expert of the Secretary-General on Guatemala, continued to assist the Government in its action for the further restoration of human rights in the country. His report to the Commission is contained in document E/CN.4/1990/45 and Add.1, Mr. P. Texier, Expert of the Secretary-General on Haiti, had direct contacts with the Government during the mission he carried out in July 1989, with a view to taking any action that might be necessary for the full restoration of human rights in Haiti. His report to the Commission is contained in document E/CN.4/1990/44. Mr. Volio Jimenez, the Expert of the Secretary-General on Equatorial Guinea could not visit the country due to health reasons, but a consultant of the Centre for Human Rights carried out a mission in Equatorial Guinea in November 1989 and had direct contacts with the authorities. The information he collected during his mission has been incorporated in the report of the Expert (E/CN.4/1990/42), which is submitted to the Commission.

68. Further to the services of the above-mentioned experts, in the course of 1989 the Secretary-General, under the technical co-operation projects of Colombia, Guatemala and the Gambia financed under the Voluntary Fund, provided the services of 17 experts for specific issues as follows: 9 to Colombia, 6 to Guatemala and 2 to the Gambia (see paras. 74-83 below).

B. Activities financed through the Voluntary Fund

1. Assistance to the African Commission on Human and Peoples' Rights of the Organization of African Unity (OAU)

69. In 1988, the Centre for Human Rights began to co-operate with the African Commission on Human and Peoples' Rights of the OAU in order to assist it to achieve its main objectives. It will be recalled that the African Commission was established following the entry into force of the African Charter on Human and Peoples' Rights on 21 October 1986. In that year, the Centre, with the financial support of the Voluntary Fund, assisted the African Commission by helping five members become acquainted with the monitoring mechanisms and procedures of United Nations human rights organs and treaty-established bodies at the Palais des Nations in Geneva.

70. In 1989, the Centre assisted the African Commission, in co-operation with the Government of the Gambia, in organizing a training course in Banjul on "Developing National Strategies and Mechanisms for the Promotion and Protection of Human Rights in Africa". The course was held from 24 April to 2 May 1989, following the national training course which was held in Conakry (Guinea) from 17 to 22 April 1989, thus permitting expenditures to be grouped together. Both training courses were financed from the Voluntary Fund. Seven members of the African Commission and 22 participants from the following countries took part in the training course: Botswana, Cameroon, Central African Republic, Ethiopia, Guinea, Ghana, Libyan Arab Jamahiriya, Madagascar, Niger, Senegal, Sudan, the Gambia, Togo, Tunisia and Uganda. Also participating in the training course were representatives of: WHO, the International Human Rights INTERNET and the Arab Lawyers' Union. The training course comprised a series of lectures, discussions and group meetings. Group discussions dealt with issues such as how to strengthen human rights mechanisms and procedures in Africa, in particular with regard to the African Charter on Human and Peoples' Rights.

71. The purpose of the training course was to familiarize members of the African Commission and senior government officials, who have direct involvement in the promotion and protection of human rights, with the relevant knowledge and information about human rights. In particular, the training course was to focus upon international human rights instruments; international human rights mechanisms for the promotion and protection of human rights; the experiences of the various countries of the region in the implementation of human rights; the role of national institutions for the promotion and protection of human rights; the role of the African Commission on Human and Peoples' Rights and the scope and nature of the African Charter, and to examine these activities in a co-ordinated context as they relate to the region of Africa.

72. The training course held group discussions on human rights in Africa and made a number of action-oriented proposals and recommendations for the strengthening of national institutions, knowledge and awareness of human rights and fundamental freedoms. A summary of the proceedings and of the recommendations are available at the Centre for Human Rights and will be published shortly.

73. The training course included the following lecturers and discussion leaders: Mr. Y. Agboyibor (Togo), Chairman, Togolese National Commission on Human Rights, Mr. I. El-Sheik Badawi (Egypt), Chairman, United Nations Committee on Economic, Social and Cultural Rights, Mrs. F.Z. Ksentini (Algeria), Member, United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. I. N'Guema (Gabon), Chairman, African Commission on Human and Peoples' Rights, Mr. F. Pocar (Italy), Vice-Chairman, United Nations Committee on Human Rights, Mr. M. Tardu (France), Professor, University of Grenoble, Ms. K. Tomasevski, World Health Organization, Global Programme on AIDS, Mr. P. Texier (France), Member, United Nations Committee on Economic, Social and Cultural Rights, and Mrs. L. Wiseberg (United States of America), Human Rights INTERNET.

2. Assistance to Colombia

74. The United Nations has been executing a two-year project (1988-1989) of technical assistance to Colombia. The project is jointly financed by UNDP and the Centre for Human Rights and is implemented by the Office of the Presidential Adviser for the Defence, Protection and Promotion of Human Rights. The main objective of the project is to strengthen national institutions and the relevant infrastructures in Colombia responsible for protecting and promoting human rights in keeping with the mandate of the advisory services and technical assistance programme. In addition, the Governments of Canada and the Netherlands have contributed financially to the Office of the Presidential Adviser, in particular in relation to the municipal ombudsmen training activities. Also involved in the programme are: the Naumann Foundation, in regard to the preparation of various publications and the organization of certain events; UNICEF, in the programme for the dissemination of information on the rights of the child; the United Nations Information Centre in Bogotá, in the supply of material; the International Committee of the Red Cross, in the training of advisers and information activities. In addition, the ILO and UNESCO have indicated to the Centre their interest in participating in training and teaching activities under the programme.

75. Under the project the Centre has provided a total of 18 fellowships, 2 experts, provision of books and other assistance to the Government of Colombia as follows:

(a) A fellowship in 1988 to one officer of the Consejería Presidencial to be trained at the Interamerican Institute of Human Rights in San José (Costa Rica);

(b) Eight fellowships to judges and police officers to participate at the XIth and XIIth International Courses for Police Forces, organized by the International Centre for Social, Penal and Penitentiary Research and Studies of Messina (Italy), four at each course respectively, from 4 to 14 October 1988 and from 3 to 13 October 1989;

(c) The advisory services of an international expert, Mr. Ferdinando Imposimato (Italy), senator and former judge, provided to assist the newly-established body of judges of public order on matters of extrajudicial executions. Mr. Imposimato visited Colombia from 27 November to 29 December 1988. He had a number of working sessions with the President of the Senate, the Minister of Justice, the Attorney-General of the Republic and his deputy, the National Director of Criminal Procedures, the President of the Supreme Court and Public Order of Bogotá, and other relevant Colombian authorities. He also gave a number of lectures to some 100 judges and law-enforcement officers in Bogotá, Medellín and Cali. The advisory services and training activities of his programme of work comprised, inter alia, the following topics: (i) international experiences in the fight against summary or arbitrary executions, massive homicides and extrajudicial executions; (ii) comparative study of legislation on this subject; (iii) evaluation of the procedural penal system in Colombia; (iv) proposals and presentation of a model to improve the present system of work of Colombian judges. The provision of the advisory services of the expert was carried out in close collaboration between the Centre and the United Nations Crime Prevention and Criminal Justice Branch. Mr. Imposimato's report and recommendations have been forwarded to the Government of Colombia.

(d) The services of an expert from the Office of the Spanish Ombudsman (Defensor del Pueblo Español), Mr. C. Bettini, provided in May 1989. His training and advisory activities comprised, inter alia, presentations on: (a) systems of human rights protection and promotion in several European countries; (b) international legislation on human rights; (c) the role, functions and procedures available to the Spanish Ombudsman; (d) advisory services to improve the functioning of the "personeros municipales" (municipal ombudsmen) of Colombia. Mr. Bettini lectured extensively to the ombudsmen throughout Colombia;

(e) Books and documents, provided for the setting up of a basic human rights library;

(f) Two fellowships, granted to two officers of the Colombian armed forces to participate at the course on International Humanitarian Law of the International Institute of San Remo (Italy), 6-14 June 1989;

(g) Two fellowships, granted to two Colombian teachers to be trained at the "Centre international de formation à l'enseignement des droits de l'homme et de la paix", Geneva (Switzerland), particularly on the rights of the child, 3-8 July 1989;

(h) One fellowship, granted to one professional member of the Office of the Human Rights Adviser to follow the 1989 summer course (28 June-28 July) of the International Institute of Human Rights in Strasbourg (France);

(i) Four fellowships, granted to municipal ombudsmen and officers from the Office of the Human Rights Adviser to participate in one 1989 summer course of the Interamerican Institute of Human Rights in San José;

(j) Assistance in the provision of a team of national experts to strengthen the Office of the Human Rights Adviser and other national institutions;

(k) Assistance in the production of educational and informational human rights programmes and materials, including radio broadcasts, television and video programmes, booklets and other publications.

76. It should be recalled that in November 1987, President V. Barcos of Colombia had established the Office of the Presidential Adviser for the Defence, Protection and Promotion of Human Rights.

77. The Colombian Government has indicated that several new steps have been taken in the field of human rights. For example, the Congress of the Republic is discussing a bill to modernize the State through constitutional reform, broadening the participation of the population by referendum or plebiscite and defining more explicitly the obligation of the State in respect of safeguards and fundamental rights. Legal provisions have been enacted to counter terrorism, outlaw private defence groups and create a special force to combat such groups, as well as death squads and gangs of hired assassins. The Supreme Court has ruled that members of the armed forces and the police charged with criminal acts committed when off duty will be tried by civil courts and that even under a state of siege, civilians will not be tried by military tribunals. Part of this action and certain aspects of the institutional reforms to combat extra-legal executions and terrorism were in line with suggestions and recommendations made to the judiciary and the police in connection with criminal proceedings on the defence of democracy and human rights in conditions of violence, by the international expert, Mr. F. Imposimato (Italy), whose services were provided for by the Centre for Human Rights under the project.

78. Among the activities resulting from the project during the course of 1989 are the following: (i) establishment of an international human rights programme for the purpose of training civil officials, administrators and community leaders; (ii) introduction of an education programme on human rights for members of the police and the armed forces, in the universities and specialized training centres; (iii) establishment of and progress in implementing the programme for human rights education in primary and secondary schools, in conjunction with the educational authorities and education workers' associations; (iv) setting up of an Inter-Agency Working Group for the Defence, Protection and Promotion of Human Rights of Children and Young People; (v) broadening of the human rights education proposal to include grassroots, occupational and civic organizations at the national, regional and local levels; (vi) reinforcement of the regional and local presence of the Presidential Adviser's Office through direct support in the structuring and/or strengthening of the Municipal Committees on Human Rights by means of training, teaching and active participation in the local processes; (vii) education programme in the country's Judicial Academy and counselling from the Centre for the judiciary provided by international experts, and through specialized courses abroad; (viii) extension of the work on human rights to especially vulnerable groups such as children and young people, indigenous inhabitants and the sick; (ix) strengthening of the technical infrastructure and human resources with a view to meeting Colombia's international reporting obligations to regional and world organizations on human rights; (x) marshalling of support and assistance to the project on human rights by international organizations and agencies such as the United Nations Information Centre, the United Nations Children's Fund (UNICEF), the Inter-American Institute of Human Rights and the Red Cross;

(xi) production of teaching materials, both video and printed, on human rights, for public information programmes and use in the schools; (xii) progress in establishing a specialized documentation centre and basic library on human rights in Colombia.

3. Assistance to Guatemala

79. The Centre for Human Rights has been executing a two-year technical co-operation project, 1988-1989, in pursuance of Commission on Human Rights resolutions 1987/53 and 1988/50. Activities include the provision of:

(a) Advisory services of international experts on questions dealing with procedures relating to cases of disappeared persons; the handling of cases and the carrying out of impartial inquiries of cases which have occurred under dubious circumstances; the institution of the ombudsman; questions dealing with indigenous populations;

(b) Fellowships to law-enforcement officers; officers of the armed forces, to attend the course on international human rights at San Remo (Italy); officials of the Ministry of External Relations responsible for human rights matters; teachers, to participate at the training courses on human rights and peace (Geneva), and university professors, to follow the courses of the Interamerican Institute of Human Rights at San José (Costa Rica);

(c) Training activities;

(d) Basic human rights libraries.

80. A total of nine fellowships, six experts, the organization of a training course, and assistance in setting up libraries have been provided to the Government of Guatemala, as follows:

(a) Four fellowships for police officers of the Ministry of the Interior to participate at the XIth and XIIth International Courses for Police Forces organized by the International Centre for Social, Penal and Penitentiary Research and Studies in Messina (Italy), two at each course respectively, from 4 to 14 October 1988 and from 3 to 13 October 1989;

(b) One fellowship of one month to the Secretary of the Ombudsman's Office of Guatemala (Procuraduría de Derechos Humanos) to be trained at the Office of the Spanish Ombudsman (El Defensor del Pueblo Español) in Madrid. This training programme was carried out from 20 November to 20 December 1988;

(c) Advisory services of an international expert on indigenous populations questions. Mr. C.A. Willemsen-Diaz (Guatemala), Chairman of the Voluntary Fund for Indigenous Populations, from 13 February to 31 March and from 15 November to 20 December 1989. During the first period, the expert assisted the Commission on Indigenous Communities of the Guatemalan Congress, the Ministries of Culture and Development, and related authorities on policy questions relating to indigenous communities. The services of Mr. Willemsen-Diaz during the second assignment - upon the express request of the Commission - were to assist in preparing texts of laws on indigenous populations being drafted by the Commission. A further two and a half month mission of the expert is envisaged during the first quarter of 1990 to enable completion of the drafting of this law. A preliminary report with recommendations has been sent to the Guatemalan authorities;

(d) Advisory services of an international expert on questions of disappeared persons. Mr. A. Gonzalez from the Vicary of Solidarity, Archbishopry of Santiago, Chile, from February to April 1989 for a two-month period, to assist the national institutions responsible for protecting human rights, such as the National Police and the Presidential Commission on Human Rights, in procedures dealing with disappeared persons. His report, containing suggestions and recommendations has been provided to the Guatemalan authorities;

(e) Advisory services of a national expert on human rights education, Mr. Marco Antonio Sagastume Gemmell, to train a team of teachers at the primary/secondary level, who have been acting as trainers of other groups, with a view to developing and introducing human rights teaching into the regular curricula;

(f) Three basic libraries on human rights. Books, documents and journals have been purchased under the project for the establishment of basic reference libraries for the Advisory Commission on Human Rights to the President of Guatemala, the Office of the Ombudsman (Procurador de Derechos Humanos) and the relevant office of the Ministry of External Relations dealing with human rights matters;

(g) Fellowships to two officials, responsible for human rights questions in the Ministry of External Relations, to follow the work of the forty-fifth session of the Commission on Human Rights at Geneva, February-March 1989, and the Committee on Economic, Social and Cultural Rights, which was meeting during part of the time of the Commission's session. Other activities included acquainting them with the programme of human rights of the Centre and arranging meetings with the responsible persons in the various areas. In addition, arrangements were made for them to be informed about relevant programmes at the ILO, UNHCR and ICRC;

(h) Second national training course on human rights (23 to 27 October 1989), as a follow-up to the first national training course held in November 1988. It was organized by the Centre, in collaboration with the Ministry of External Relations and the Commission on Human Rights of the Congress and the International Committee of the Red Cross (ICRC). The pattern of participation was the same as for 1988. Some 60 Guatemalan administrators of justice and law-enforcement officials actively participated in the course. They represented the judiciary, the Constitutional Court, the Office of the Ombudsman, the Congress of the Republic, the Ministries of External Relations and Education, the National Police and Gendarmerie, university professors and non-governmental organizations. This second training course was aimed at assessing to what extent dissemination and teaching of human rights were carried out in the following sectors: schools, universities and mass media; armed forces (with particular emphasis on the relation between human rights and international humanitarian law), police and prison officers; judges and magistrates. For each of these topics, there were lectures followed by round tables with the participation of key persons responsible at the national level. Participants met in working groups in order to draw up conclusions and make recommendations to the national authorities. The Government of Guatemala, has agreed to publish the lectures, conclusions and recommendations of the course;

(i) The services of two experts from the Office of the Spanish Ombudsman (Defensor del Pueblo Español), Ms. Beatriz Rueda and Mr. R. Garcia Ormaechea, were provided from 20 September to 10 October 1989 to the Office of the Ombudsman of Guatemala (Procuraduría de Derechos Humanos) in order to advise the Procurador and his team about approaches and methods utilized and the experience gained by Spanish institutions in promoting and protecting human rights;

(j) Two fellowships were granted to two Guatemalan teachers to be trained at the "Centre international de formation à l'enseignement des droits de l'homme et la paix", Geneva (Switzerland), particularly on the rights of the child, from 3 to 8 July 1989;

(k) Advisory services of an international expert on the handling of cases and the carrying out of impartial inquiries of cases which have occurred under dubious circumstances. Mr. J. Maier (Argentina), Professor of Penal Law, University of Buenos Aires, assisted the Guatemalan authorities, in particular the Ministry of the Interior, on this matter from 16 October to 15 November 1989. His report with the relevant recommendations was sent to the Guatemalan authorities. Provision of his services was carried out in close collaboration with the United Nations Crime Prevention and Criminal Justice Branch.

81. The report of the Expert of the Commission on Guatemala (E/CN.4/1990/45 and Add.1) contains more complete information on the advisory services and technical assistance provided to Guatemala.

4. Assistance to the Gambia

82. In 1989, the Centre for Human Rights began the execution of a co-operation project with the Government of the Gambia aiming at strengthening the legal institutions of the country and assisting it in the establishment of a regional African Centre for Democracy and Human Rights Studies in Banjul, as follows:

(a) A study was carried out in the course of the year by a consultant, Mr. M.W. Conley (Canada), in the Gambia to assess the feasibility of the setting up of the African Centre. The study permitted the elaboration of the conceptual framework of a long-term project. The report of the consultant was circulated to, and discussed with, interested donors.

(b) The Centre also provided, during 1989, the services of a consultant to the Gambian authorities to assist them with the revision of their laws;

(c) A fellowship was granted to the Director of the African Centre for Democracy and Human Rights Studies which permitted him to follow a training programme at the International Institute of Human Rights in Strasbourg (France) and become acquainted with the work of an institution working at the regional European level on the promotion of human rights. In this connection, it should be noted that the Under-Secretary-General for Human Rights is a member of the Board of the African Centre;

(d) Provision of books and documentation on human rights to allow the newly-established Centre for Democracy and Human Rights Studies to provide the necessary services and assist it in its training activities. This part of the project will be implemented in 1990.

5. Training courses, workshops and seminars

(a) National Training Course on the Application of International Human Rights Standards, Conakry (Guinea), 17-22 April 1989

83. A national training course on the application of international human rights standards was held in co-operation with the Government of Guinea at Conakry (Guinea) from 17 to 22 April 1989. Sixty Guinean nationals composed of civil servants from the various ministries and officers in charge of the administration of justice actively participated in the course. A large number of observers were also present. The course was opened by the Deputy Director of the Centre for Human Rights, Mr. Kwadwo F. Nyamekye. A statement was also made by Abou Camara, Minister and Permanent Secretary of the Military Committee for National Rehabilitation. Major topics covered during the course included: the application and implementation of international human rights standards and the incorporation of these standards into domestic law; human rights and the administration of justice; rights of detained or imprisoned persons and the role of the police in protecting human rights and fundamental freedoms; bringing about a wider public awareness of human rights and the principal United Nations human rights conventions. The objectives of this course were also well served by the distribution and dissemination of human rights materials which accompanied the work of the course, and by the wide coverage that its deliberations received in the national media.

84. The following guest speakers participated in the course: Mrs. F.Z. Ksentini (Algeria), Expert of the Sub-Commission; Mr. Y. Agboyibo (Togo), Chairman of the Commission of Human Rights of Togo; Mr. A. Dieng (Senegal), ICJ; Mr. I. N'Guema (Gabon), Chairman of the African Commission on Human and Peoples' Rights; Mr. F. Pocar (Italy), Member of the Committee on Human Rights; Mr. M. Tardu (France), University of Grenoble; Mr. P. Texier (France), Member of the Committee on Economic, Social and Cultural Rights. This activity, which was financed from the Voluntary Fund, was carried out in conjunction with the Regional African Training Course held in Banjul, the Gambia, and the expenditures grouped together.

(b) African Training Course on Developing National Strategies and Mechanisms for the Promotion and Protection of Human Rights in Africa, Banjul (the Gambia), 24 April-2 May 1989

85. This course is described in paragraphs 69-73 above.

(c) Andean Workshop on Human Rights, Quito (Ecuador), 8-12 May 1989

86. The Andean Workshop on Human Rights, organized by the Centre for Human Rights under the auspices of the Government of Ecuador, took place in Quito from 8 to 12 May 1989. Co-sponsors of this event were also the F. Naumann Foundation of the Federal Republic of Germany, the Ecuadorian Human Rights Institute and the Ecuadorian League of Human Rights. The workshop also benefited from the participation of the Interamerican Institute of Human Rights (San José), the International Commission of Jurists (Geneva) and the Andean Commission of Jurists.

87. The Workshop was officially opened by the President of the National Congress of Ecuador, Mr. W. Lucero, and closed by the Minister of External Relations, Mr. D. Cordovez.

88. Participation in the Andean Workshop included personnel from the Ministries of External Relations, Education, Justice, and of the judiciary from the following countries: Bolivia, Colombia, Ecuador, Panama, Peru and Venezuela. Forty-one nationals of Ecuador also took part in the workshop, as follows: 15 judges, lawyers and parliamentarians; 9 from academic institutions; 6 from non-governmental organizations, journalists and others; 5 police officers and 2 persons from the Government.

89. The holding of the workshop coincided with the establishment of two institutions dealing with human rights at the subregional level for the countries of the Andean Pact: the Procurador de Derechos Humanos (Ombudsman) and the Andean Academy on Human Rights.

90. Guest speakers included: Mr. A. Artucio (Uruguay), International Commission of Jurists, Mr. M. Nuñez Pedraza (Spain), Ministry of Interior (Spain), Mr. G. Elizondo (Costa Rica), Interamerican Institute of Human Rights, Mr. J. Prado Vallejo (Ecuador), Member, United Nations Committee on Human Rights, Mr. Reed Brody (United States of America), Director, Centre for the Independence of Judges and Lawyers of the ICJ, Mr. A. Etcheverry (Chile), Andean Commission of Jurists, Mr. J.O. Rodriguez Marino (Argentina), and Mr. J.C. Morales (Costa Rica), both of the Interamerican Institute of Human Rights.

91. The first part of the Workshop comprised a number of lectures on the international instruments of the United Nations and Interamerican systems, as well as on monitoring mechanisms and procedures; the incorporation of international norms into domestic legislation; states of emergency and obligations of States; the independence of the judiciary; the role of the police in protecting human rights and the teaching of human rights.

92. The second part of the workshop was devoted to discussion in working groups of the following three specific topics: international human rights norms (group I); human rights and the police (group II); teaching of human rights (group III). These topics were chosen for their potential usefulness for Governments of the Andean Pact in their integration policies. Each working group analysed the situation in the respective countries with regard to the topic assigned and made a number of recommendations that may be considered by the interested authorities in the future. Further details are available at the Centre for Human Rights. The proceedings of the Andean Workshop on Human Rights are being published by the Naumann Foundation and the Centre for Human Rights.

(d) National Workshop on Human Rights for Peace and Development, Manila (Philippines), 31 July-4 August 1989

93. The National Workshop on Human Rights for Peace and Development was held in Manila, the Philippines, from 31 July to 4 August 1989, with the financial support of the Voluntary Fund. The meeting was addressed inter alia by Mrs. M.C. Bautista, Chairman of the Philippine Commission on Human Rights and, Mrs. P.V. Quisumbing, Under-Secretary of State for Human Rights of the Department of External Affairs of the Philippines. Guest speakers included: Mr. S.A. Wako (Kenya), Member of the Human Rights Committee and Special Rapporteur of the Commission on summary and arbitrary executions, and Mr. F. Pocar (Italy), Rapporteur, Committee on Human Rights. Participants

included over 300 middle level representatives of the following agencies and institutions of the Philippines: Commission on Human Rights, Department of Foreign Affairs, Foreign Service Institute, Department of Justice, Department of Education, Culture and Sport, Department of National Defense, Department of Local Government, University of the Philippines Women Lawyers Circle, Ateneo Human Rights Centre, which co-sponsored the meeting, and representatives of NGOs.

94. The workshop was divided into five groups: group 1 on human rights education and training dealt with the following topics: identifying broad objectives of human rights education; evolving a learning continuum by identifying concepts, values, principles and basic human rights issues to be integrated into existing subject offerings in the elementary, secondary and tertiary levels; gaining insights on how to teach for and about human rights; preparing instructional materials on human rights; and identifying problems and recommending solutions to problems/issues in promoting human rights.

95. Group 2 on dissemination of human rights information dealt with: discussing the human rights information programme: its status and perspectives; identifying the technical requirements of human rights information dissemination: towards a national and international framework; preparing a plan for communicating human rights; identifying projects geared towards delivering human rights information to the grassroots level; and attempting to provide solutions/recommendations to problems and issues in the promotion of human rights.

96. Group 3 on human rights and the justice system dealt with: gaining a common perspective of the justice system; identifying and discussing substantive and procedural issues relating to human rights: from arrest to filing of complaints with fiscal's/prosecutor's office; from preliminary investigation to the filing of information; from trial proper to promulgation of decision; submitting a draft resolution on substantive and procedural issues relating to human rights.

97. Group 4 on human rights and public order had as specific objectives of discussion the following topics: identifying and discussing the role of human rights in peace and order; gaining a common perspective - both from the international and national levels - on the relationship and interdependence of peace, order and human rights; identifying sectoral problems and sectoral areas of responsibilities in upholding human rights, peace and order; and formulating plans of action for the further harmonization of the Philippine programme for peace and order with human rights.

98. Group 5 on international standard-setting and reporting on human rights studied how to: acquire a common understanding on the mechanics and procedure of international reporting and standard-setting based on established guidelines of the United Nations; identify the roles and responsibilities of various agencies and institutions involved in the monitoring and implementation of national human rights programmes and activities; establish an inter-agency network/mechanism for the preparation of periodic reports on the implementation of the provisions of the various international human rights instruments of which the Philippines is a signatory; and recommend measures to improve or facilitate the mechanics and substance of local monitoring, international reporting and standard-setting in human rights.

99. Each group adopted a number of action-oriented recommendations which will be reflected in the proceedings of the workshop, to be published by the Philippine Commission on Human Rights.

(e) Training Course for Colombian Judges on Human Rights and Penal Procedures, Castelgandolfo, Rome (Italy), 11-22 September 1989

100. An in-depth training course for Colombian judges on human rights and penal procedures was held in Castelgandolfo Rome, (Italy) from 11 to 22 September 1989. The United Nations Interregional Crime and Justice Research Institute (UNICRI) worked as executing agency in close co-operation with the Centre for Human Rights in the organization of the course, held under the auspices and with the financial support of the Italian Government through a contribution to the Voluntary Fund. It was designed for some 35 selected judges who would become a core of expertise for the training of other judges in Colombia. This meeting was a follow-up to the activities carried out by Mr. F. Imposimato (Italy), international expert on extra-legal executions and terrorism, in Colombia under the joint UNDP/Centre for Human Rights project (see also paras. 74-78 above). Issues dealt with included: modern techniques of investigation and research and the necessary tools to analyse facts and evidence; terrorism and drug-related offences; penal procedures in comparative perspective, and mechanisms for the protection of human rights within the United Nations system. The course was an opportunity for the Colombian judges to study the experience developed by the Italian judicial system in the administration of justice, techniques of inquiry, assessment of evidence, as well as other auxiliary scientific research and techniques to enforce the law. Participants examined in situ the procedures developed by the Italian judicial system. Guest speakers included: Ambassador F. Mezzalama, Representative of Italy on the Commission on Human Rights; Mr. F. Pocar, Rapporteur, Human Rights Committee (Italy); Mr. G. Caselli (Italy), judge; Mr. M. Mori (Italy), Director Judicial Police; Mr. F. Imposimato (Italy), senator and former judge; Mr. A. Andreassi (Italy), Director Carabinieri; Ms. L. Galvis (Colombia), Office of the Presidential Adviser on Human Rights; Mr. R. Priore (Italy), judge; Mr. G. Falcone (Italy), judge; Mr. P. Mancuso (Italy), office Guardia di Finanza; Mr. G. De Gennaro, Assistant Secretary-General, United Nations Fund for Drug Abuse Control.

(f) National Training Course on the Implementation of United Nations Mechanisms in the Field of Human Rights, including Humanitarian Law and National Legislation, Lima (Peru), 2-6 October 1989

101. A National Training Course on United Nations monitoring mechanisms and procedures in the field of human rights for Peruvian officials, especially those entrusted with the administration of justice and security, was held in Lima (Peru) from 2 to 6 October 1989. The course, which was organized by the Centre for Human Rights in co-operation with the Peruvian Government, also dealt with international humanitarian law and the application of international human rights norms in domestic legislation. Some 110 participants took part in the course. It was opened by the Minister of Justice of Peru, Mrs. Angelica Bockos de Grillo. Guest speakers included: Mr. L. Despouy (Argentina), Member of the United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities; Dr. H. Gros Espiell (Uruguay), Chairman of the Inter-American Court of Human Rights and Expert of the Commission on Human Rights; Mr. R. Gil Lavedra (Argentina), Member of the

United Nations Committee against Torture; Mr. D. García Sayán (Peru), Member of the United Nations Working Group on Enforced or Involuntary Disappearances; Mr. J. Alvarez Vita (Peru), Member of the Committee on Economic, Social and Cultural Rights; Mr. E. Bernales Ballesteros (Peru), Special Rapporteur on mercenaries of the Commission on Human Rights; Mr. P. De La Coste (Switzerland), Delegate of the International Committee of the Red Cross; Senator Delgado Barreto (Peru); Senator J. Valle Riestra (Peru) and Mr. J. Stiglich (Peru), Minister at the Permanent Mission of Peru to the United Nations Office in Geneva. The aim of the course was to train Peruvian nationals involved in the application of international human rights norms in domestic legislation and/or in the preparation of periodic reports under United Nations conventions on human rights. Particular emphasis was given to international humanitarian law as applicable to internal conflicts by the Geneva Conventions. An interdepartmental group was set up during the training course comprising members of different ministries and departments in order to study the interrelationship between the provisions contained in the Peruvian Constitution and those of international human rights instruments. The group also took upon itself the task of organizing local seminars on human rights for Government officials, working in small towns and villages. It was carried out in conjunction with the Buenos Aires regional training course and grouped financially with that activity.

(g) Regional Training Course on the Implementation of Human Rights Instruments and the Administration of Justice for Latin American Officials, Buenos Aires (Argentina), 9-13 October 1989

102. A Latin American regional training course on the implementation of human rights instruments and the administration of justice was organized by the Centre for Human Rights in co-operation with the Government of Argentina, from 9 to 13 October 1989.

103. This activity was carried out in conjunction with the National Training Course held in Lima, and grouped financially with it.

104. The objective of this course was to assist Latin American countries in the application at the national level of the international human rights standards and principles contained in United Nations human rights instruments such as the two Covenants on human rights and the Convention against Torture. Other issues dealt with included: study of cases of violations of human rights taken up by regional bodies; human rights in the European system; and how best to fulfil treaty obligations at the national and international level. Participants from the following countries took part in the training course: Argentina, Bolivia, Chile, Colombia, Cuba, Dominican Republic, Ecuador, Mexico, Paraguay, Peru, Uruguay and Venezuela. Guest speakers included: Dr. H. Gros Espiell (Uruguay), Chairman of the Interamerican Court of Human Rights and Expert of the United Nations Commission on Human Rights, Dr. J. Voyame (Switzerland), Chairman of the United Nations Committee against Torture, Mr. M. Campora (Argentina), Secretary for Foreign Affairs; Mr. E. Vargas Carreño (Chile), Executive Secretary of the Inter-American Commission on Human Rights, Mr. L. Martinez Ruiz (Spain), Member of the European Commission on Human Rights, Mrs. E. Marquez (Venezuela), Ambassador to the Organization of American States; Mr. A. Martinez (Cuba) and Mr. L. Despouy (Argentina), both members of the United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities. Representatives of WHO and the United Nations High Commissioner for Refugees also participated in the course.

105. The inaugural session was opened by the Vice-President of Argentina, Mr. Eduardo Duhalde and by the Under-Secretary-General for Human Rights, Mr. Jan Martenson. Representatives of the UNDP, UNIC, other United Nations agencies, as well as the Ambassadors of various countries were present at the opening ceremony.

106. The training course enabled participants to exchange valuable experiences on practices related to international human rights standards and procedures, the administration of justice and relevant domestic legislations.

107. The training course highlighted the need for better co-ordination among United Nations organs and agencies, including regional organizations such as the Inter-American Commission on Human Rights and the Council of Europe.

(h) National Training Course on Human Rights and the Administration of Justice, Antigua, Guatemala, 23-27 October 1989

108. Reference to this activity can be found in paragraph 80.

IV. FUTURE ACTIVITIES

109. The future activities of the United Nations programme of advisory services and technical assistance will continue to follow the guidelines established by General Assembly resolution 926 (X) and, more recently, by the Commission on Human Rights resolution 1989/71 and 1989/72. The Commission and other competent United Nations bodies will no doubt wish to provide further suggestions as to the future implementation of the programme. Close co-ordination will be maintained between the activities of the regular programme of advisory services and those of the Voluntary Fund. Equally, advisory services and technical assistance activities will be closely co-ordinated with the other elements of the United Nations system and jointly implemented, whenever feasible.

110. The following requests for provision of advisory services and technical assistance are currently under consideration. Further suggestions are under discussion with the authorities of other Member States. The implementation of all such proposals will clearly depend upon the resources available to the programme and in particular upon the resources available to the Voluntary Fund for Advisory Services and Technical Assistance.

A. Africa

Equatorial Guinea

111. In the course of 1990, the Centre is considering assistance to the authorities in the revision of basic legal texts and the training of personnel concerned with the administration of justice, in keeping with the recommendation of the Expert on Equatorial Guinea, the relevant resolution of the Commission on Human Rights and the Plan of Action proposed by the Secretary-General.

The Gambia

112. In 1990, the Centre will continue the follow-up to the feasibility study carried out in 1989 on the establishment of the African Centre for Democracy and Human Rights Studies in Banjul. Arrangements, started in 1989, to supply the Centre with books and documents on human rights to assist it in its training activities and the provision of the necessary services, will continue.

Madagascar

113. There has been a request from the Government of Madagascar for fellowships and training courses for judges, law professors and law-enforcement officers. The Centre for Human Rights is envisaging the holding of a national training course in Tananarive (Madagascar) in 1990 and has indicated it to the Government.

Organization of African Unity (OAU)

114. The Centre will continue its programme of technical co-operation, started in 1988, with the OAU Commission for Human and Peoples' Rights. Training activities in the Centre for Human Rights, in Geneva, are planned for staff members of the OAU Commission as well as the secondment for a limited period of time of a staff member of the Centre to the OAU Commission in Banjul in order to advise on the functioning of human rights treaty-established bodies. The Centre plans to organize in 1990 the regional training course on international protection of human rights with particular reference to the African Charter which had to be postponed in 1989.

Portuguese-speaking countries

115. As a follow-up to the course held in 1988 on the ratification of international human rights instruments and following the publication of the Bill of Human Rights in Portuguese, a training course is being planned for Portuguese-speaking countries in Lisbon in 1990. The Centre is also considering other follow-up activities in the Portuguese-speaking countries of Africa.

B. Arab countries

Kuwait

116. Following an invitation by the Government, the Centre is endeavouring to organize in 1990 a seminar for Arab countries on "Development and Human Rights".

Tunisia

117. The Centre will assist the recently-established Institute of Human Rights by the provision of office equipment, including a computer, for the library and training activities.

C. Asia and Pacific

India

118. Following discussions with the Indian authorities, a national training course on international human rights standards for administrators of justice is under consideration.

The Philippines

119. Following an offer by the Government of the Philippines to host an Asia/Pacific workshop on various human rights issues, including the question of national and regional infrastructures for the promotion and protection of human rights, the Centre for Human Rights is considering holding such a meeting in Manila, the Philippines, during 1990. Governments of the region, together with representatives of non-governmental organizations, will be invited to participate.

D. Europe

Cyprus

120. The Government of Cyprus has requested assistance in the form of training, granting of fellowships and provision of experts in connection with the implementation of human rights instruments to which Cyprus is a party. The Centre is co-ordinating with the Government of Cyprus so that the various elements of the request can be integrated into a consolidated project.

Hungary

121. Following consultations with the Government, a national training course on international human rights standards for administrators of justice is under consideration.

Malta

122. Following the request of the Government of Malta for advisory services and technical assistance in the training of police officers at the National Police Academy and the discussions held with the Maltese authorities, the Centre will organize in 1990 a training course for law-enforcement officers. The Centre envisages carrying out this training activity in co-ordination with the United Nations Crime Prevention and Criminal Justice Branch (Centre for Social Development and Humanitarian Affairs) and the United Nations Interregional Crime and Justice Research Institute (UNICRI).

Portugal

123. The Government of Portugal requested the assistance of the Centre to hold a workshop in Lisbon for Portuguese-speaking countries on the teaching of human rights for officers of the Ministries of Education, External Relations and Justice. The workshop will be organized in the course of 1990 by the Centre in co-operation with the Portuguese authorities and the collaboration of the International Centre for the Teaching of Human Rights and Peace, (see also para. 116).

Romania

124. In consultation with the Romanian authorities, the Centre for Human Rights is formulating a programme of advisory services and technical assistance in the field of human rights.

USSR

125. The Centre is planning to hold in 1990 in co-operation with the Soviet Government a national training course for administrators of justice on international human rights standards in the USSR.

126. There are preliminary indications of interest in the programme of advisory services and technical assistance in the field of human rights from the German Democratic Republic and Czechoslovakia. These are now being followed up by the Centre for Human Rights so as to establish the most appropriate form of co-operation.

E. Latin America

Colombia

127. The joint UNDP/Centre programme to strengthen human rights infrastructures will continue during 1990. It will be mostly financed by UNDP but some activities financed under the Voluntary Fund, such as the provision of some experts may be developed in 1990. The Centre will continue to co-ordinate with ILO and UNESCO on possible activities that could be organized jointly.

Ecuador

128. The Centre has received a request from the Government of Ecuador to support a broad programme of training activities of the "Asociación Latinoamericana para los derechos humanos (ALDHU)". The Centre will endeavour to achieve closer collaboration with ALDHU and try to utilize the resources it has available for the Centre's programmes in Latin America.

Guatemala

129. Most of the activities envisaged in the Guatemala project were carried out in the course of 1989. Mr. Willemsen-Diaz will continue to assist the Commission on Indigenous Communities of the Congress of Guatemala during the first quarter of 1990 for the elaboration of a draft law.

Haiti

130. The report of the Expert on Haiti has been submitted to the Commission (E/CN.4/1990/44). During 1989, the Expert visited Haiti and had direct contacts with the authorities. He proposed several forms of possible assistance, in particular to assist the judiciary and in connection with the holding of elections in Haiti. The Centre has not yet received a formal request from the Government of Haiti to follow up those proposals.

Jamaica

131. The Centre will provide assistance in 1990 to the Government of Jamaica for the training of law-enforcement officers and the provision of expert advice on the drafting of legal texts in conformity with United Nations human rights standards. This follows a request made by the Jamaican authorities.

Mexico

132. Following the request received from the Mexican Government to assist the Ministry of Interior in structuring and organizing courses for police officers, the Centre will co-ordinate with the Mexican authorities the type of appropriate assistance that may be provided.

Nicaragua

133. The Centre for Human Rights has received a request presented by a non-governmental organization, the Education and Liberation Organization, supported by the Government of Nicaragua, for a three-year project to train Nicaraguan prosecutors and provide assistance in the administration of justice.

Paraguay

134. Following a request of the Government of Paraguay, the Centre is considering organizing, in 1990, a national workshop, possibly in conjunction with a training course in Uruguay. The Centre is also considering the services of an expert, particularly so as to assist the Paraguayan Government in adapting legal texts to international human rights norms. The expert could also assist in establishing a national infrastructure in the Ministry of Justice and Labour which would act as a focal point to promote human rights policies.

Peru

135. A request has been received for assistance in the administration of justice including training courses, computerized systems, as well as the necessary equipment for the security of judges and magistrates.

Uruguay

136. The Centre plans to organize in 1990 a training course for law-enforcement officers with a follow-up in 1991. A request was made by the Government of Uruguay following the visit in 1988 of the Special Rapporteur on Torture, Mr. P. Kooijmans.

Venezuela

137. Following the Andean Seminar, the Centre for Human Rights received a request from the Venezuelan Government to organize a training course in Caracas (based on the same programme as the one held in Quito). The training course is tentatively scheduled for 1991.

138. It should also be noted that the Centre for Human Rights will organize in April 1990 an International Seminar on Political, Historical, Economic, Social and Cultural Factors contributing to Racism, Racial Discrimination and Apartheid, in conformity with Commission on Human Rights resolution 1987/12.

ANNEX I

UNITED NATIONS VOLUNTARY FUND FOR ADVISORY SERVICES AND TECHNICAL ASSISTANCE IN THE FIELD OF HUMAN RIGHTS

The contributions received as at 31 December 1989 amounted to $US 1,035,404. This figure does not include the contributions pledged (about additionally $US 361,730).

The 1988-1989 budget was $US 1,018,700 and the financial status of the Voluntary Fund as at 31 December 1989 was as follows:

(a) Resources

Total contributions: $US 1,035,404

(b) Utilization as at 31 December 1989

Expenditures and commitments entered in 1988-1989; $US 883,700

Estimated balance: $US 135,000

This balance is earmarked for previously approved and ongoing projects which are to be implemented in 1990.

The allocations and object of expenditures and commitments by main heading in 1988-1989 were the following:

	Allocations	Expenditures and Commitments
Advisory Services of Experts	180,400	164,500
Provision Reference Libraries	70,000	16,500
Fellowships	165,000	126,800
Training courses, workshops	591,300	568,000
Publications	12,000	7,900
Total	1,018,700	883,700

Unencumbered balance = $US 135,000

Table I provides a financial summary of all the projects which have been funded under the United Nations Voluntary Fund on Advisory Services and Technical Assistance (UNFASTA) for the period 1988-1989. The asterisk indicates that the project has been completed.

Table I

1988-1989 SUMMARY OF UNFASTA AS AT 31 DECEMBER 1989

Project commitments in 1988/1989		
Project No.	Activity	Allotment Budgeted
		$
1988/1*	Portuguese language publications	7 000
1877/2*	Technical co-operation (Uganda)	20 000
1988/3	Country programmes (Guatemala)	222 000
1988/4	Co-operation with African Commission (OAU)	11 300
1988/5	Country programmes (Colombia)	284 000
1988/6*	Training course (San Remo)	54 200
1988/7*	National Workshop (Manila)	19 200
1989/1*	National Training Course (Guinea)	160 300
1989/2*	Regional Training Course (OAU)	
1989/3	Technical co-operation (the Gambia)	57 400
1989/4*	Seminar (Andean countries)	34 300
1989/5*	National Training Course (Lima)	(79 700) 1/
1989/6*	Regional Training Course (Buenos Aires)	
1989/7*	National Workshop (Manila)	17 100
1989/8*	Training Course (Rome)	131 900
	Total	1 018 700

1/ These two activities were financed from savings within the Fund.

ANNEX II

CONTRIBUTIONS TO THE UNITED NATIONS VOLUNTARY FUND FOR ADVISORY SERVICES AND TECHNICAL ASSISTANCE IN THE FIELD OF HUMAN RIGHTS (UNFASTA) AT 21 DECEMBER 1989

Governments	Amount		Date pledged	Equivalent $US	Date paid	Final Amount $US
Australia	Aust.$	10 000	Feb. 1989	8 815	Feb. 1989	8 815
Austria	$US	10 000	Dec. 1988	10 000	Dec. 1988	10 000
(2)	$US	10 000	Dec. 1989	10 000	Dec. 1989	10 000
Canada	$Can	150 000	Sept. 1987	113 636	Sept. 1987	113 636
Finland	Fmk	50 000	March 1988	12 195	April 1988	12 195
(2)	Fmk	60 000	March 1989	14 405	April 1989	14 405
(3)	Fmk	250 000	June 1989	56 883	Aug. 1989	56 883
France	FF	500 000	Nov. 1988	80 386	May 1989	80 386
Germany, Fed. Rep. of	DM	40 000	March 1988	24 054	April 1988	24 054
(2)	DM	40 000	Jan. 1989	21 755	March 1989	21 755
Hungary	$	2 500	Sept. 1989	2 500	Oct. 1989	2 500
Italy	$US	50 000	June 1988	50 000	July 1988	50 000
(2)	$US	100 000	Jan. 1989	(100 000)		
(3)	$US	157 615	June 1989	(157 615)	Sept. 1989	19 985
Japan	$US	50 000	March 1989	50 000	Dec. 1989	50 000
Netherlands	f.	100 000	March 1988	46 713	Aug. 1988	46 713
(2)				50 652	Dec. 1989	50 652
New Zealand	$	10 432	Aug. 1988	10 432	Aug. 1988	10 432
(2)	$	9 392	June 1989	9 392	June 1989	9 392
Norway	NKr	1 000 000	Jan. 1988	157 356	Jan. 1988	157 356
(2)					Jan. 1990*/	152 200
Sweden	SKr	2 000 000	June 1988	334 616	June 1988	334 616
Togo	CFAF	500 000	May 1988	(1 515)		
United Kingdom	SwF	48 400	March 1988	34 820	March 1988	34 820
(2)	L	30 000	March 1989	(52 600)		
Uruguay	$	1 000	May 1989	1 000	June 1989	1 000
Non-governmental organizations						
Fond. Cult. Islamique	SwF	8 345		5 282		5 282
Minnesota Lawyers Int. H.R. Committee	$US	100				100
Peace Price to United Nations Centre for Human Rights	SwF	6 788		4 269		4 269
Human Rights Watch	SwF	26 409		15 814		15 814
World Blind Union	$	1 000	Dec. 1987	(1 000)		
TOTAL				(312 730) (Pledged but not paid)		1 297 260 (Paid)
GRAND TOTAL						1 609 990

*/ Contribution for the year 1989 received on 2 January 1990.

ANNEX III

ADDITIONAL REQUESTS RECEIVED FROM GOVERNMENTS FOR ADVISORY SERVICES AND TECHNICAL ASSISTANCE IN THE FIELD OF HUMAN RIGHTS

List of countries	Activities					
	(a)	(b)	(c)	(d)	(e)	(f)
Argentina		x				
Barbados		x		x		x
Benin	x					
Bolivia		x				x
Botswana		x	x		x	x
Brunei Darussalam	x	x				x
Burkina Faso		x			x	x
Burundi	x	x				
Cape Verde		x	x		x	x
Central African Republic	x	x	x			
Chad		x	x			
Comoros		x	x			
Congo	x	x	x	x	x	x
Cyprus			x			x
Djibouti	x	x				
Dominica	x	x				x
Equatorial Guinea		x	x			
Ethiopia	x	x	x			x
Gabon		x	x	x	x	x
Ghana		x	x			x
Guinea	x	x	x	x		
Guinea-Bissau		x	x		x	
Honduras	x	x			x	
Iraq			x		x	x
Lesotho		x			x	
Madagascar		x	x			
Malawi				x		
Mexico		x				
Mozambique		x	x	x	x	x
Nepal		x	x		x	x
Nicaragua	x	x	x	x	x	
Niger	x	x			x	
Nigeria				x	x	x
Papua New Guinea	x			x	x	
Peru		x	x			x
Rwanda	x	x	x			
Samoa		x	x			
Sao Tome and Principe		x	x	x		x
Sierra Leone		x	x			x
Sinagpore	x					
Uruguay		x				x
Yemen		x				x
Zambia		x		x		

Source: E/CN.4/Sub.2/1989/17 and requests from Governments.

(a) Establishment or strengthening of law faculties; (b) Development of adequate law and human rights reference libraries for the administration of justice; (c) Training activities including training courses and workshops in the administration of justice; (d) Expert advice in the drafting of legal texts in conformity with the provisions of international instruments of human rights; (e) Publication of official law journals; (f) Collection and classification of legal material including legislation and digests of court decisions.